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Contents

Streamlining of Policies or Additional Level of Complexity? The Impact of the EEAS on EU - Western Balkans Relations

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ABSTRACT:

Through the creation of a European External Action Service (EEAS) the EU has attempted to increase the consistency and visibility of its external action abroad. However, in the Western Balkans the impact of this new diplomatic service of the EU is not always obvious: EU enlargement, as the dominating policy framework, remains outside the EEAS' scope of competence. In Kosovo and Bosnia, with their strong CFSP dimension, synergies are still limited. Whereas the mutation of the EC Delegations into EU Delegations under the authority of the EEAS (but with a strong Commission component) had the benefit of raising the EU's visibility in the Western Balkans, questions remain about internal coordination and the risk of a possible hijacking of the new service by member states. Although the EEAS can facilitate the streamlining the EU's external action in the Western Balkans, such an outcome depends more on the behaviour of the actors involved than on institutional arrangements.

KEY WORDS:

EEAS, enlargement, CSDP, Western Balkans, Lisbon Treaty

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With the entering into force of the Lisbon Treaty in December 2009, a new area in EU external relations seemed to have dawned: through the creation of the new position of a EU High Representative, doubling as vice-president of the Commission, and of the European External Action Service the EU intended to overcome its old schism in external action between the Community-driven set of external policies (development, trade, enlargement, humanitarian assistance) and the Common Foreign and Security Policy/Common Security and Defence Policy under the auspices of the member states (Wessels/Bopp 2008; Missiroli 2010). There was growing awareness among member states that the lack of consistency[2] between the policies and institutions of the EU was standing in the way of its self-declared role of a global player that would be able to promote European norms and values around the world.[3]

The call for consistency in the EU's external relations had increased over the past decades in parallel with the increase of the EU's external competences, and became, during the 1990s, "something of a refrain" in the different versions of the EU Treaties (Duke 1999). The definition of "consistency" has been further defined by reference to horizontal and vertical coherence (Krenzler/Schneider 1997). Whereas the former refers to the different EU policies and institutions, the latter relates to the relations between member states and the EU. The need for more coherence/consistency on one side and for more international visibility on the other side had been a constant ingredient of strategic EU documents such as the 2003 "European Security Strategy" and the 2006 "Europe in the World" communication of the European Commission. These ideas were finally taken up in the provisions of the Lisbon Treaty on the EU's "external action," a concept that was forged in order to underline the objective of a holistic approach in EU foreign policy, which would include both the former first-pillar external policies as well as CFSP/CSDP.

One region where the EU's lack of overall strategy had been felt in particular were the Western Balkans. Unable to speak with one voice in the 1990s

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2   The term "consistency" is used in the English version of the Treaties, whereas the French and German texts refer to "cohérence" and "Kohärenz." There has been an academic debate about whether these terms have exactly the same meaning (Tietje 1997; Bacot-Décriaud and Plantin, 1993). However, seen from a political rather than a legal or linguistic point of view, these terms are interchangeable. In the English language the expression "coherence and consistency" is frequently used (Nutall 2005).

3   The painful episode of the ECOWAS case, during which the Commission and the Council blocked each other from helping West African states to set up a strategy for the collection of small arms and light weapons (SALW) was a strong reminder of how, on the international stage, the EU was standing in its own way.

the EU had to stand at the sidelines while the conflicts in Croatia, Bosnia and Kosovo were unfolding. The EU twice witnessed its own irrelevance as US-led NATO troops put an end to the killings of civilians and to ethnic cleansing in Bosnia and Kosovo.

Throughout the 1990s, it was not the EU which had shaped the Western Balkans: it were rather the Western Balkans that were shaping the EU. Both the setting up of the CFSP in 1992 and of the European Security and Defence Policy in 1999 were direct consequences of the failure of the EC/EU to play a constructive role in the Balkan conflicts. The setting up of the ESDP (now CSDP) in 1999 had briefly nourished hopes that the EU would finally pass from words to actions.[4] But rather than enhancing the actorness and visibility of the EU in the Balkans, the CSDP added another layer of complexity. The pre-Lisbon involvement of the EU in Kosovo served as a puzzling illustration: up to seven missions were speaking simultaneously on behalf of the EU in Kosovo, and the 27 member states still disagree whether this area of 11000 km^2 is to be regarded as an independent state or a Serbian province under UN administration, even though Kosovo has been enjoying the status of a "potential candidate" for EU accession.

There used to be minimal coordination between the Commission-driven enlargement agenda and the Council-driven CFSP/CSDP. Each of these followed their own structures, objectives and lines of command: whereas the Commission's enlargement policy focuses on processes (enabling the partners to meet EU standards), the CSDP missions rather focus on results, if necessary through their own means, imposing stability/the Rule of Law, rather than empowering the local authorities to achieve these results themselves.

Consequently, there were a lot of expectations that the Lisbon Treaty with its foreign policy objectives of increased coherence, consistency and visibility in the EU's external action would also have a positive impact on the relations between the EU and the Western Balkans. At the time of writing of this article, the Lisbon Treaty has been in force for almost three years and the new European External Action Service (EEAS), created as the EU's unified diplomatic service intended to streamline the EU's external action

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4   So far, the EU has implemented two military (Macedonia and Bosnia) and four civilian (Kosovo, Bosnia, Macedonia) missions in the Western Balkans. Two of them (EULEX Kosovo and ALTHEA Bosnia) are still ongoing.

by bringing on board Commission, Council and the Member states, has been functional for almost two years. Therefore, from a Western Balkans perspective, the time may be right to look at the concrete results and ask whether the Lisbon Treaty and the EEAS have been able to meet the set objective and to streamline the EU's external action in this region. Or has the EEAS just added another layer of complexity to the already multilayer EU-Western Balkans relations? We obviously have to make a distinction between the candidate countries (Croatia, Montenegro, Serbia and Macedonia) and the "potential candidates" (Bosnia and Kosovo). In the candidate countries, the enlargement agenda remains the dominant policy framework, whereas Bosnia and Kosovo still have a strong CFSP dimension, as both host missions under the Common Security and Defence Policy (CSDP). Albania, as another potential candidate, will fall in the same category as the candidate countries for this analysis, given the absence of a particular CFSP agenda. Whereas the reform of the EU's external action is obviously broader than the EEAS, this analysis will focus on the External Action Service, given that it is the most visible part of the Lisbon Treaty in the Western Balkans.

The EEAS: consolidating the EU's external relations, except enlargement

The Lisbon Treaty itself gives little guidance regarding the design and the responsibilities of the EEAS, besides stating that this service *"shall work in cooperation with the diplomatic services of the Member States and shall comprise officials from relevant departments of the General Secretariat of the Council and of the Commission as well as staff seconded from national diplomatic services of the Member States".*[5] The Council Decision of July 2010[6] clarifies that the new service is a *"functionally autonomous body of the European Union, separate from the General Secretariat of the Council and from the Commission."*[7] An annex to the decision lists

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5   TEU, art. 27.3.

6   Council Decision of 26 July 2010 establishing the organisation and functioning of the EEAS (2010/427/EU), OJ L 201/30.

7   Council Decision establishing the organisation and functioning of the EEAS, art. 2.1.

the different departments of both the Commission and the Council to be transferred into the new service. Also, in its Article 9, the decision lists the financial instruments for which the EEAS has to assume a responsibility (together with the Commission) in the strategic planning of the respective instruments. The fact that the decision mentions neither DG Enlargement nor the Instrument for Pre-Accession (IPA) testifies that no competences with regards to enlargement policy have been transferred to the new service,[8] and that DG Enlargement retains the exclusive competence for dealing with EU enlargement. Thus, given that enlargement dominates EU-Western Balkan relations, is the EEAS (except for Bosnia/Kosovo) of any relevance for the countries of this region?

This assertion would imply to neglect the fact that all EU delegations are now structurally part of the EEAS. Therefore, after assessing the impact of the EEAS on Kosovo and Bosnia, we will examine the consequences of the new institutional setting in the other Western Balkan countries. Has the EEAS improved: 1) the coherence and consistency of the different EU actors and 2) increased the visibility of the EU as a foreign policy actor in the region?

1) The EEAS: more coherence and consistency?

a) Coherence and consistency between Enlargement and CSDP

With the setting up of the new service, the EEAS has nominally inherited the responsibilities for the two remaining CSDP Missions in the Western Balkans: EUFOR Althea in Bosnia (military) and EULEX Kosovo (civilian). In this context the relation between the different EU actors (Commission and EULEX rule of law mission, the latter structurally under the EEAS) is of particular interest, as both EULEX and the Commission have a common objective in Kosovo, namely building the Rule of Law. For the Commission, this aim is part of its efforts to steer Kosovo towards compliance with the Copenhagen criteria, a precondition for EU accession, given that Kosovo has the status of a "potential candidate" since the 2003 Thessaloniki agenda. In order

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8   The same holds true for EU Trade Policy and financial assistance, given that the Treaty confers to the Commission exclusive competences in these fields, which it cannot share with a service that is at least partly owned by the Member states.

to achieve this objective the Commission uses its standard enlargement methodology based on local ownership and voluntary compliance with European norms and standards (the bottom-up approach) which yielded excellent results in the countries of Central and Eastern Europe which entered the EU in 2004 and 2007, as well as in Croatia. On the other hand, EULEX, as a CSDP mission, takes a more security-oriented perspective, focusing on the result rather than on the process, and using, among others, its executive powers to reach this result (top-down approach). This is problematic in so far as imposing the rule of law from above bears the risk of weakening the ownership of the local authorities; why should Kosovo justice institutions should take risks and expose themselves to public scorn (for example, by pursuing former warlords who are still locally perceived as heroes), if such ungrateful and risky cases can be handled by EULEX?

But EULEX is more than just an executive mission: according to its mandate,[9] it is also there to "mentor, monitor and advise" the relevant Kosovo institutions in all areas related to the wider rule of law. Capacity building in the field of Rule of Law is an activity traditionally covered by the Commission, but it might be difficult to establish a clear division line between "mentoring" and "capacity building." In Kosovo it is common that EU police, justice and customs experts contracted and paid by the European Commission under the Instrument for Pre-Accession (IPA) work side by side with European judges, police and customs officials under the authority of EULEX. In practice this "cohabitation" works fairly well. Since most of the experts on the ground are generally not coming from EU institutions but from either the Member states or the private sector, they consider themselves to be a part of the same epistemic expert community and are generally not much concerned with the conceptual differences that might occur at the top management levels.

On the receiving end the Kosovo justice institutions make, for their part, the best of it; they take the funds for infrastructural measures, equipment and capacity building from the Delegation, draw on the advice and experience of their EULEX counterparts and, occasionally, pass to EULEX the responsibility for particular sensitive cases.

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9   Joint Action 2008/123/CFSP of 4 February 2008 on the European Union Rule of Law Mission in Kosovo, EULEX KOSOVO.

b) Coherence and consistency within the EEAS

The question of coherence and consistency is not limited to Enlargement/CSDP or Commission/EEAS. From an organisational point of view, it is also an internal challenge for the new service, in particular with regards to the CSDP missions: the political control and strategic direction over these missions comes from the Political and Security Committee (structurally part of the EEAS, but in fact a Council Working Group) chaired by the High representative. However, a closer look at the EEAS organigramme[10] shows that the specialised CSDP bodies in charge of planning and implementing these operations, as well as the EUSR, remain largely unconnected to the main structure of the EEAS. So does the EU Special Representative (EUSR, as we know double-hatted as Head of Delegation), who also has the mandate of giving "local political guidance" to the CSDP mission, but who is not linked to the crisis management bodies. Instead, there is a direct reporting line from both the crisis management bodies and the EUSR to the HR, which bypasses the regular EEAS bureaucracy (country and thematic desks, Corporate and Policy Board).[11]

Also, for security reasons, some of the crisis-management related bodies of the EEAS (like the CMPD or the Military Staff) have not moved to the new EEAS headquarters on Rond Point Schuman in Brussels. Even if this might appear just a technicality, it reflects the fact that these bodies are hardly affected by the organisational changes that the EEAS has brought about, as they seem to continue "business as usual." The new "esprit de corps" of the EEAS, often quoted as indispensable for the functioning of the new service, is still not broadly felt – in particular in the crisis-management bodies that were, officially, transferred from the Council to the EEAS in 2011.

Far more serious than the possible inconsistencies in the EEAS organigramme is the question of inconsistency between the positions of the member states (vertical inconsistency). As CFSP and CSDP remain essentially intergovernmental, the principle of unanimity remains the norm. Remembering that 22 member states recognize Kosovo and 5 do not, it is difficult to imagine how the Political and Security Committee

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10 The up-to-date organigramme can be found at http://eeas.europa.eu/background/docs/organisation_en.pdf

11 It can be assumed that such a setup was lobbied for by (some) member states that did not want any supranational elements originating from the former DG Relex/DG Development to get involved into the planning and running of the Common Security and Defence Policy.

could exercise its strategic direction, or how the EUSR could offer political guidance, if the basic political parameters are disputed. For example, until this day there is no clear position within EULEX which legislation is to be applied by its judges and prosecutors: the legislation of the Republic of Kosovo or pre-independence legislation consisting of a mixture of UNMIK regulations, post-1999 Kosovo laws endorsed by UNMIK and pre-1989 Serbian legislation. Given the absence of a common approach by the member states, neither the PSC nor the EUSR were able to give the necessary guidance to EULEX, which is left to its own devices and passes the responsibility down to the individual actors.

c) The cohabitation of EEAS and Commission within the Delegations

In the light of this situation, it appears that the interaction between the EEAS and the Commission is limited to the two countries, Kosovo and Bosnia, where the EU has deployed a CSDP mission. But this would ignore the role of the EU Delegations which are, according to the Lisbon Treaty, structurally part of the EEAS. Article 2.4 of the 2010 EEAS Decision states that *"the EEAS shall be made up of a central administration and of the Union Delegations to third countries and to international organizations"* and states that the Head of Delegation *"shall be accountable to the High Representative."*[12] At the same time, the Decision acknowledges the fact that, given that EU enlargement policy dominates the political agendas in the Western Balkans and that the EEAS is not competent for enlargement policy, a rather significant number of the Delegation staff shall be coming from the European Commission.[13]

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12 Art. 5, EEAS Decision.

13 "Staff in delegations shall comprise EEAS staff and, where appropriate for the implementation of the Union budget and Union policies other than those under the remit of the EEAS, commission staff" EEAS Decision art. 5.

Let's take a closer look at the staffing of the Delegations:

Staffing of EU Delegation in the Countries of the Western Balkans

	EEAS	Commission	Total	% EEAS
Delegation Croatia	*13*	*56*	*69*	*19*
Delegation Serbia	*17*	*88*	*105*	*16*
Delegation BiH	*19 (without EUSR)*	*75*	*94*	*20*
Delegation Montenegro	*10*	*35*	*45*	*22*
Delegation Macedonia/ FYROM	*19*	*62*	*81*	*23*
EU Office Kosovo	*16 (without EUSR)*	*64*	*80*	*20*
Delegation Albania	*14*	*51*	*65*	*21*

Source: EEAS, October 2012

These numbers do not include the staff of the EUSR in Bosnia and in Kosovo (about 20) who also work under the roof of the Delegation and who are paid by a different budget line. It is interesting to see that the ratio EEAS/Commission is basically the same in all Enlargement Delegations, whether there is a CSDP mission or not, or whether the country is a candidate country or a potential candidate.[14]

As we see from the numbers, the vast majority of Delegation staff are deployed by the Commission.[15] The Commission employs all staff working in the Operations section and the Contract & Finance section, as their tasks are related to the implementing of EU pre-accession assistance, and thus the execution of the EU budget, an exclusive prerogative of the

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14 The relatively low number of staff in the Delegation in Zagreb can be explained by the fact that the management of IPA pre-accession assistance (the largest activity of any Delegation) has been almost entirely delegated to the National authorities, in order to prepare the country for the implementation of structural funds after accession.

15 Whereas most of them come from the Commission's DG enlargement (ELARG), there are also a number of staff working for DG Region or DG Employment in the candidate countries, since candidate countries have access to funds under the IPA programme for regional development and for social policy that fall under the responsibility of the respective DGs.

Commission. However, according to Article 5.2 of the EEAS's decision, each Delegation is subordinated to a Head of Delegation, who "shall have authority over all staff in the delegation, whatever their status.[16]

The post-Lisbon delegations can thus be schematized as follows:

EU Delegations in (potential) candidate countries
according to Council Decision 2010/427/EU of 26/7/2010

Instructions from HR/VP

Instructions from COM

Implementation of 'operational credits' in third country

- DG ELARG
(copy of the instructions provided to the Head of Delegation)
other DGs (REGIO, EMPL...)

Head of Delegation
Overall authority and responsibility

E U   D e l e g a t i o n

reporting

EEAS Staff
(2/3 Commission + Council 1/3 National Diplomats)
Dipl. representation Political Affairs (part), Administration, Press

DG ELARG

Programming & Implementation IPA

Operations , Contract & Finance, Political Affairs (part)

Exchange of information
(Dipl. Services of MS)

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Commission staff in the Delegations: servants of two masters?

As we see from this scheme, Commission staff have two lines of command: the Head of Delegation for the "overall management of the work of the delegation and for ensuring the coordination of all actions of the Union" (art. 5.2.2.), and the respective Commission DG for the issues that fall under its competence (art. 5.3.2). In addition, the preamble of the Council decision states that "when the Commission will issue instructions

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16 The Head of Delegation can be a former Commission official, a former Council official, or even a national diplomat with the status of a temporary agent of the EEAS.

to delegations, it will simultaneously provide a copy hereof to the Head of Delegation and to the EEAS central administration" (recital 13).

This raises the question of possible conflicts of interest in areas without a clear delimitation, such as the security/development nexus,[17] resulting in conflicting instructions to a staff member. It should be taken into account that the Head of Delegation can be a national diplomat on temporary assignment with the EEAS. Such a diplomat has the perspective of reintegrating into the national diplomatic service of his/her country of origin after a maximum of 10 years working for the EEAS,[18] and might thus hesitate to make choices which could be perceived as going against the interests of his/her home country.

Both Commission and the EEAS are aware of this potential risk and have taken measures to avert such situations. The Commission had created a unit for external institutional relations in 2010 and has published guidelines for relations between the Commission and the EEAS in January 2012.[19] At first sight, this step seems to have strengthened the position of the Commission vis-à-vis the EEAS. The guidelines state that, in its areas of competence, the Commission has a right to instruct not only its staff, but also the Head of Delegation:

"The Head of Delegation receives instructions from the HR/VP and the EEAS and the Commission. In areas where the Commission exercises the powers conferred to it by the Treaties, it may issue instructions to the Delegation, copying the EEAS, which shall be executed under the Head of Delegation's overall responsibility. For example, the Commission can, through the Head of Delegation, call on EU Delegations to carry out activities related to policy implementation, demarches and policy advocacy on issues of Commission competences (e.g. trade, humanitarian affairs, etc.). The Head of Delegation is responsible for the execution of all instructions, calling on the relevant staff in the Delegation to carry them through." ("Working arrangements", p.3 section 1.1)

17 One could imagine a situation where the Commission favours financing of infrastructure measures in a minority region controlled by separatist authorities, which is rejected by the Head of Delegation for political reasons for fear of conferring legitimacy to the non-recognised authorities.

18 Art. 6.11 of the EEAS decision provides for a maximum period of service of eight years, unless it is extended for a maximum period of two years in exceptional circumstances and in the interest of the service.

19 Working Arrangements between Commission Services and the EEAS in relation to External Relations Issues, SEC(2012)48 , 13/1/2012

The document also specifically mentions enlargement as one of the areas where the Commission remains fully competent:

*"EU Delegations in the countries covered by the **enlargement** policy will continue to play a central role in monitoring and reporting on pre-accession preparations, compliance with the Copenhagen criteria, the management of the (Stabilisation and) Association Agreements and the implementation of EU assistance and cooperation. In this context, the Head of Delegation will receive instructions directly from DG Enlargement and other relevant services. Contributions to the annual Enlargement package and Commission Opinions on membership will be sent confidentially to DG ELARG, given that the Commission is solely institutionally responsible for the preparation of these documents. EEAS shall be kept informed. In the case of political demarches concerning compliance with the Copenhagen political criteria, DG ELARG, after consulting the EEAS, will issue the relevant draft to be agreed by the Member States." ("Working arrangements", p.3 section 1.2)*

The "Working arrangements" also confirm the Commission's dominance in the Instrument for Pre-Accession (p.28), Communication (p.34) and briefings (p.37)

Interestingly, whereas the EEAS decision ascribes the Commission the right to issue instructions to the Delegations (with the Head of Delegation in copy), the "Working Arrangements" repeatedly mention that instructions are to be issued to the Head of Delegation HoD). This raises the question: in which cases the Commission can directly instruct their staff and when it has to channel the instructions vie the HoD? According to the coordination unit, it is both the Commission and the EEAS which have to work out, depending on the nature of the request and/or the political importance of the subject matter, whether instructions are directed to the Head of Delegation or are merely copied to him/her.[20] Whereas this seems to be a measure of common sense, this arrangement might not be entirely fixed as it leaves a margin of interpretation for both the Commission and the EEAS about the exact nature of the request and the perceived political importance. Only time will prove the viability of these arrangements.

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20 e-mail exchange, European Commission, May 2012

2) Increased visibility?

As we have seen from the above, the intended increase in coherence and consistency of the EU's action in the Western Balkans is anything but obvious. But what about the other big objective of the Lisbon Treaty with regard to the EU's external action, namely the question of its own visibility?

This question was a sore point for the EU in the pre-Lisbon days, and particularly stringent in the Western Balkans. Before the Lisbon Treaty the EU was basically represented in third countries through two actors: the Delegation of the European Commission, representing the European Communities (the "first pillar"), and the Ambassador of the Country holding the six-monthly rotating Council presidency, representing the EU on all matters relating to the Common Foreign and Security Policy. Since an important number of policy fields fell under parallel competences, both the Delegation and the Presidency would express themselves in public on these issues. Quite often, one of the smaller member states holding the Presidency would not have an own embassy in a given country. According to EU protocol the Presidency functions were then exercised by the country of the upcoming presidency. For example, when Portugal (which has no embassies in the Western Balkans except for Croatia and Serbia) held the rotating presidency in the second semester of 2007, the presidency functions in other Western Balkan countries were exercised by the Slovenian ambassador, as this country was next in the row for EU Presidency. As we can imagine, the ever-changing and little-known faces publicly speaking "in the name of the EU" for reasons that were difficult to understand did little to enhance the EU's visibility in the respective countries.

In addition, between 2000 and 2007 EU assistance in Serbia, Montenegro, Kosovo and Macedonia was delivered not, as usual, through the EC Delegation, but through a specialised implementing agency, the European Agency for Reconstruction (EAR). Due to its nature, this agency was sometimes more visible than the local EC Delegation.[21] In addition to

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21 It was a common complaint among Heads of Delegation in these countries during that time that the Head of the EAR often took the limelight at photo opportunities with high-level local politicians, whereas the Head of Delegation was seated as a spectator among the invited guests.

this came an EU Monitoring Mission (EUMM) active in the Western Balkans until 2007 and the CSDP mission(s) plus the EU Special Representative in the case of Kosovo, Bosnia and Macedonia. The Kosovo case is the most extreme, given the presence of the so called "Pillar IV" of the UN Mission in Kosovo (UNMIK), which was financed by the EU and displayed the EU Flag (plus an Internet address www.euinkosovo.org). Even more, until 2011 the EU Special Representative (who as such did not recognize the independence of Kosovo) was double-hatted as International Civilian Representative (ICR) with a mandate to oversee the conditional independence of Kosovo, thus making the EU presence in Kosovo unintelligible even to the well-informed local public.

The consolidation of EU presence in the Western Balkans that took place between 2007 and 2011 was partly due to general considerations of efficiency and partly to the Lisbon Treaty. The EUMM and the EAR were both closed in 2007 as the post-conflict agenda had given way to a pre-accession agenda, and the responsibility for implementing EU assistance had been handed over from the EAR to the European Commission. UNMIK and its "Pillar IV" had outlived themselves with Kosovo's declaration of independence in 2008. The Lisbon Treaty, after entering into force in late 2009, cancelled the role of the rotating presidency in representing the EU in third countries by making the EU Delegation competent for speaking on all EU matters including CFSP. The Treaty also provided for the merging of the role of Head of Delegation with the one of EU Special Representative (although such a merger was not necessarily dependent on the Lisbon Treaty: in Macedonia the Head of Delegation had been double-hatted as EUSR since 2005).

The Lisbon Treaty and the EEAS, as explained above, cannot be given credit for all the measures that led to the consolidation of EU presence and therefore to a better visibility of the EU on the ground. However, the new Treaty also had an undeniable positive impact. Even if the CSDP missions in Kosovo and Bosnia are still acting independently from the Commission/ EUSR, the EU Delegations have now taken the lead in local coordination of the representatives of the Member states and in being a "one-stop-shop" interacting with the local authorities. It is the Head of Delegation who is entitled to speak on all EU-relevant matters (including CFSP). For the EU, having a common interface for the local partners gives an important boost to its own visibility.

Conclusion

The Lisbon Treaty has not overcome the challenge of coherence and consistency in the EU's external action, regardless of a few innovative features that have the potential to reach this objective (EEAS, double-headed HR/VP, EU Delegations). This is primarily due to the still existing need for unanimity in matters pertaining to the Common Foreign and Security Policy, which often leaves the EU without a position in politically controversial cases such as the recognition of Kosovo's independence.

In the Western Balkans, the gains in coherence and consistency are even less palpable, because enlargement as the dominating policy agenda is widely unaffected by the Treaty changes. Furthermore, the functioning of the CSDP missions in Kosovo and Bosnia is largely unaffected; the integration of the bodies in charge of CFSP/CSDP into the EEAS remains incomplete without a little practical change for the functioning of these missions on the ground.

EU-Western Balkans relations are more likely to change under the impact of the global political climate rather than because of institutional changes within the EU. As the countries of the Western Balkans have ceased to be a stability threat to the region (and to Europe in general), the raison d'être for the remaining two CSDP missions in Kosovo in Bosnia is dwindling away and their days may not last for long.[22] On the other hand, the image of the EU as a shining beacon has suffered considerably as the result of the Euro crisis,[23] meaning that the EU's normative power might further erode in the future. Since both the EU and the (potential) candidates are aware of the reduced likeliness that any new member states (except Croatia) will be accepted until the end of the decade, the enthusiasm for reform in these countries has visibly slowed down. In the same spirit, the Commission does no longer regard the (potential) candidates' compliance with the EU *acquis* as a top priority for getting EU funds. Instead, the Commission

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22 "our message is clear: EULEX will not stay eternally in Kosovo", Hansjörg Haber, EU Civilian Operations Commander, quoted on 25/5/12 by Nicolas Gros-Verheyde http://www.bruxelles2.eu/zones/bosnie-kosovo/la-mission-eulex-au-kosovo-reduite.html

23 Dimitar Bechev, "The Periphery of the Periphery: The Western Balkans and the Euro Crisis" Policy Brief, European Council of Foreign Relations, August 2012, http://ecfr.eu/content/entry/the_periphery_of_the_periphery_the_western_balkans_and_the_euro_crisis

focuses in its new draft regulation on the Instrument for Pre-accession Assistance (IPA II)[24] on more on classical development objectives such as good governance, the rule of law and socio-economic development.

However, the Lisbon treaty and the EEAS can be given credit for enhancing the EU's visibility in the countries of the Western Balkans, given that they have contributed to reducing the cacophony of voices that spoke in the Western Balkans in the name of the EU. This is to be welcomed, but also carries a risk: as national diplomats of the member states have been integrated into the EEAS and are eligible for the position of Head of Delegation, national political agendas might find their way into these delegations. The often evoked "état d'esprit" of the new service is still underdeveloped (and would not cover the Commission part of the delegation anyway). Not all national diplomats serving on a temporary assignment for the EEAS (and wishing to pursue their national career after a stint at the EEAS) might be highly motivated for defending the interests of the EU, if these go against the interests of their member states. Both the EEAS and the Commission have to be vigilant to avoid any attempts to hijack the EEAS and the delegations by member states. On the other hand, if the EEAS fails to take the national factor into sufficient account, the risk is that the big member states in particular might just ignore the EEAS and pursue their own bilateral agendas. In the end, the EU's success in the Balkans will depend on the degree to which the member states, the Commission and the EEAS will pursue a harmonised approach. The Lisbon Treaty has produced the instruments for more coherence. But the impact of the Treaty and of the EEAS on the Western Balkans will not essentially depend on the institutional arrangements. Rather, it will be determined by the behaviour of the different actors involved.

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24 COM(2011) 838 final, 7.12.2011

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Decitizenization of Migrants in Slovenia

Mojca Pajnik[1]

Abstract

The article addresses the social and economic conditions of migrant workers from the former Yugoslav states who form the vast majority of the migrant population in Slovenia. Based on the analysis of policies that regulate the work of "foreigners" and on the assessment of recent anti-crisis measures we argue that the current securitization approach, which aims to protect the national labour market, exacerbates the poor work and life conditions of migrants. We look into the current massive layoffs of migrant workers due to the closing of companies and the subsequent return of migrants to their countries of birth, which is a trend supported by "circular migration" policies. Furthermore, we explore recent xenophobic sentiments, as well as emerging solidarity with migrants. Particular attention is devoted to nuances in the definitions of migrants that are motivated by the protectionist-prone ideologies of a young state. The article relies on data on migration trends and policies during the recent period (2008–2012), but also draws on interviews and focus groups with migrants. The issues raised are debated with theories of citizenship. Namely, we discuss the processes of "(de) citizenization" of migrants in Slovenia and the constructions by which former "co-nationals" were turned into "third country nationals."

KEY WORDS:

migration, citizenship, securitization, labour market, Slovenia

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Introduction

This article addresses the social and economic conditions of precarious migrant workers in post-socialist Slovenia which has adopted EU legal and political frameworks since 2004, when it became an EU member state. Based on the analysis of the recent policy framework that regulates employment and work of migrants, and on the assessment of anti-crisis measures and social policy, we argue that the current "securitization approach" (Lazaridis 2011) that aims to protect the national labour market exacerbates the poor working and living conditions of work migrants, the vast majority of whom migrated to Slovenia from former Yugoslav republics. We debate the current massive layoffs of migrant workers caused by the closing of companies which forced many to cope with the most difficult working and living conditions and led to the return of many of them to their countries of birth. We analyse particularities of the Slovenian labour market which has recently witnessed the bankruptcy of companies that to a large extend depended on cheap migrant labour, often exploited to the extent that invited analogies with "modern slavery" (Medica *et al.* 2011). Furthermore, to fully assess the current migration management (Kofman 2009) in Slovenia and its implications for migrants and society at large, we consult a recent analysis of public opinion that supports the "dualist" perception of migrants: pragmatic attitudes which recognize the value of migrant labour for the economy, as contrasted with xenophobic attitudes according to which migrants are projected as a "social threat." Also, we address the emerging attitudes of solidarity with migrants that have been mushrooming during the last three years, importantly embodying hope for the future.

The theoretical framework behind our analysis draws on the notion of citizenship as proposed by those authors who conceptualize it in broader terms of democratization processes and equalization of people through their activity within a *polity* (cf. Arendt 1967; more recently Isin 2002; Balibar 2004). Citizenship analysis in a migration context most often refers to the *locus classicus* of modern debates about citizenship, i.e. to Marshall's (1950) conceptualization of citizenship based on political, civil and social rights.[2] Conceptualized as a status, citizenship in migration studies is

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2   Cf. the recent edition of the Slovenian journal *Časopis za kritiko znanosti* that published a thematic edition *Citizenship and Citizen's equality* discussing Marshall's essay.

often related to questions of naturalization and to integration into social, political, economic and cultural contexts of national states (cf. Niesen and Huddleston 2009). It refers to the legal provisions that need to be fulfilled for one to acquire citizenship of a specific national state (ibid.), or, for example, to the right to acquire dual citizenship (Faist 2007) as formal and legal membership. In these writings citizenship encompasses formal/legal stipulations related to – necessarily conditioned to – admission to social welfare, the labour market, education, family reunion, etc. Some recent studies elaborated diverse criteria (i.e. MIPEX 2011; Bauböck *et al.* 2009) to discuss migrants' inclusion/exclusion in/from citizenship and their integration, referring to naturalization policies, access to education, social and health care, political participation and so on.

Elsewhere (Pajnik 2007, 2011a) we have argued that the legal, rights-based or integration-based conceptualizations of citizenship in migration that present an important contribution to the debates at the same time tend not to acknowledge enough that status based citizenship or "nationalizing citizenship" in Brubaker's terminology (1996) has exclusionary elements inscribed in its very definition. Only a citizen has the right to vote and only a citizen has the right to a pension (cf. Handler 2004); consequently, migrants are always found to be "conditioned citizens" (Pajnik 2011a). As it was shown by theorists of post-national citizenship (Soysal 1994; Habermas 2001) nation-based citizenship becomes a privilege of "primordial" members of a national community. Understood in this way, it produces its opposite, i.e. "statelessness" as *de facto* "otherness" and inequality. The simple fact of not belonging to a specific national community, i.e. having a passport of a specific national state as is the case with migrant population in Slovenia discussed below, generates inequality of non-citizens.

It is not the intention of this article to go further into debates about citizenship as this would require a different focus. As mentioned, we have done this on other occasions (cf. Pajnik 2011a, b; Pajnik 2012; Pajnik and Bajt 2011) where we pointed to the inadequacy of those citizenship conceptualizations that, explicitly or not, view "passport citizenship" as the ultimate end of integration processes. Several authors have addressed citizenship along comparable lines in a Slovenian context, showing, for example, how Slovenian citizenship was established as "ethnic-citizenship" in an "ethnic-

democracy" (Zorn 2007) or how it was related to nationalizing practices of state-building (Bajt 2005). One of the consequences of such processes is the erasure of 1992 when more than 25,000 people were deleted from the registry of permanent residents of Slovenia. The majority or at least one of the parents of the erased people were born in other former Yugoslav republics, which confirms that the erasure was based on ethnic origin. Erasure left thousands of people without status, i.e. with no documents, social security, health care, right to housing, free movement and the right to work (for one of several analyses cf. Kogovšek and Petković 2010).[3]

Thus, in line with the above mentioned authors we speak of citizenship as of something that creates the "worldliness of people" (Arendt 1967), their membership of the world that extends beyond ethnic/national determinism or labour market utilitarianism, that cherishes the political value of citizens and the expression of their deeds and rights in the public sphere. In this context citizenship is understood as a precondition that enables life and activity within a *polity* which arises from the network of activities of *polity* members who deliberate on an equal footing as a public (Habermas 1989).

Therefore, this article is informed by the studies that endeavour to safeguard the democratic aspiration of the concept of citizenship and its potential to generate "polities of equals" (cf. Štrajn 2011; Sardoč 2011). The empirical case of migrants in Slovenia which we use to explore the migration management regime and discuss its implications for "third country" migrant workers illustrates a situation that is by no means unique to Slovenia. Our case study should be read in broader terms as a reflection on what can be called the "decitizenization of migrants," a trend observed across Europe that points to the decline of the idea of political citizenship (*polity*) or the fading of its power to generate equality. In other words, such a decline can be seen as opposite to efforts to accommodate diversity in European societies that in the context of multiculturalism debates Kymlicka (2010, p. 36) has recently termed "democratic citizenization.".

In this article we therefore use the example of migration polices in Slovenia and their effects on migrant workers during the recent period of social

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3 Recently (June 2012) Slovenia was found responsible for violations of rights of the erased people by the Grand Chamber of the European Court of Human Rights that ordered the state to set up a compensation scheme for the erased people.

turmoil (2008-2012) to problematize the processes of "decitizenization." Particular attention is devoted to nuances in the definitions of migrants motivated by the protectionist-prone ideologies of a young state. Since we understand citizenship as full participation of people in the activities of a political community we are not concerned solely with the institutional dimensions of migration policies, but also make room for the migrants' own narratives. We begin by briefly introducing the country's migration history. This is followed by the discussion of the most recent official data on the composition of the migrant workforce, permits, (un)employment trends among migrant workers, and the sectors in which they work. We then proceed to question Slovenia's current labour policies in relation to its overall migration management provisions which leave migrant men and women at the outskirts of integration (Balibar 2004). We analyze labour market policies that, from migrants' stories, have proved to be the mechanisms for the securitization of national ideologies and, at the same time, the insecuritization of migrants. We devote attention to the Slovenian anti-crisis "policy package" on migration, combining policy analysis with reflections expressed in the interviews. In particular, we draw on the interviews and focus groups with migrant women and men from Yugoslavia's successor states who represent the great majority of migrants in the country. We discuss their precarious situations in the Slovenian labour market to provide a "consulted" analysis of the current trends of decitizenization of migrants and constructions that have turned former co-nationals into "third country nationals".

One could argue that we cannot possibly speak of "decitizenization" as the majority of migrant workers that we consider were never Slovenian citizens and could therefore not be "decitizenized." But the true meaning of the decitizenization processes in contemporary societies across Europe lies precisely in the fact that non-citizens suffer from decitizenization the most. Not being recognized as citizens of a *polity* they appear as "non-citizens for life", even if they acquire citizenship. Thus, decitizenization is problematized here as a consequence of migration and labour market management regimes which turnmigrants intodisposable workers.

On sample and method

For our analysis presented below we use data on the migrant population in Slovenia, together with an analysis of selective policies. Also, we draw on information gathered through interviews and focus group with migrants who came to Slovenia from Yugoslavia successor states in the period after the year 2000. Considerations about sampling reflect the project for which the data has been gathered[4] and which analysed labour market integration of migrants from "third countries," and we made every effort to incorporate migrant men and women with a great variety of different experiences. Although our sample isn't representative we adjusted it according to the actual numbers of "third country" migrants in Slovenia, also taking into consideration sectoral and regional distribution. Our sample hence also reflects the regional specificities, since most migrants from "third countries" are employed in the capital city of Ljubljana and around Ljubljana, i.e. in the *Osrednjeslovenska* region. In terms of the sectors where most migrants work, the construction sector is by far the most important sector of employment, which is, consequently, mirrored in our sample. The sample also reflects the official gender distribution of migrants where the vast majority are males, and the actual data of countries of birth where majority are found to migrate from former Yugoslav states.

Between April and November 2009 a total of 18 interviews with migrant men (12) and women (6) were conducted. The interviewees could be listed according to their country of birth: 12 from the former Yugoslav republics (5 from Bosnia and Herzegovina, 3 from Serbia, 3 from Macedonia and 1 from Kosovo), 2 from Ukraine, 1 from Thailand, 1 from Russia, 1 from Iraq and 1 from Zambia. Our respondents are between 26 and 55 years of age. The sample includes migrants working in construction, motor traffic, restaurants, bars and catering business, health care, the education sector and doing seasonal work in agriculture and domestic work.

The focus group had 6 participants, 4 female and 2 male migrants. 3 people have previously already been involved with the project as

4   Data was gathered for the purposes of the project PRIMTS, Prospects for Integration of Migrants from "Third Countries" and their Labour Market Situations: Towards Policies and Action, 2008–2010, financed by the European Commission.

interview partners and 3 people were invited to the focus group as their first contact with the project. The focus group participants thus included a private entrepreneur from Croatia, a construction worker from Bosnia-Herzegovina, an unemployed teacher and an unemployed manager, both from Ukraine, a maintenance worker from Montenegro, and a pharmacist who had recently arrived from Serbia and had so far been unable to find employment.

The verbatim transcripts of semi-structured biographical interviews were done and analysed in the process of thematic segmentation and thematic analysis. Each interview and the focus group debate were analysed to allow a nuanced overview of the topics that emerged in individual life stories, reflecting the personal experiences of migrants, as well as showing a wider trend of the migrants' positions and situations in relation to migration policy. Each interview analysis also included contrastive comparisons with other interviews in the sample, thus enabling us to cluster certain themes together and reflect on the relevance of particular migrant experiences. In this article we will focus on discussing in particular the experiences of migrants from the former Yugoslavia. In general our data proves that, mostly because of language and cultural proximity, common history, migrants from the former Yugoslavia do not experience such barriers as migrants who have migrated from Asia or Africa. Still, when it comes to their work-related experiences migrants' stories show several similarities that point to a specific rationale of a migration management regime that is prone to protect the "national" at the expense of the "foreign."

Recent migration trends and peculiarities of migrant's work

Slovenia has witnessed an increase in immigration since the early 1990s, particularly as a consequence of growing numbers of refugees fleeing the war in Bosnia and Croatia and as a consequence of new migration trends since the year 2000, when it started to attract migrants from other countries, especially from Africa, the former Soviet Union countries, Asia

and Latin America. Immigration, however, was not a new trend; Slovenia had been a country of immigration already back in the 1960s to the 1980s, when migrants from other republics of Yugoslavia moved to Slovenia during the times of rapid industrialization and urbanization. Significant economic migration to Slovenia began as migrants settled in industrial cities across the country, especially in the 1970s when the Western European states that had been the primary countries of destination for Yugoslav migrants (especially Germany) began to limit immigration. This trend has importantly affected the current composition of the migrant population, the vast majority of whom come from the former Yugoslav republics. The geographical, cultural, and linguistic proximities remain the deciding factors, leading former co-nationals to continue migrating to Slovenia, although their status has radically changed. From the very beginning migration from the south-eastern regions was accompanied by social distancing and tensions, resulting from unequal access to sources of power (Mežnarić 1986). This situation seems to have deteriorated after Slovenia joined the EU and consequently categorized the former Yugoslavs as "third country" migrants (Pajnik 2011a; Pajnik and Bajt 2011).

At the beginning of 2011 4% of Slovenia's population numbering slightly above 2 million in total were foreign citizens (82,746 persons altogether), with citizens of Yugoslavia's successor states representing 87% of the total foreign population. However, viewed through the lens of the active population, a different picture emerges. The comparison of the number of work permits issued to migrants in 2009 (81,105) and the overall number of persons in employment in 2009 (858,171), yields a significant share of 9.5% of foreigners on the Slovenian labour market. Almost half of the entire foreign population is from Bosnia-Herzegovina (47%), with a further 11% from Macedonia, 9.4% from Croatia and 9.1% from Serbia. Only 3% of migrants came from countries outside of Europe; 62% are from Asia. Men represent the majority (71%) and women make up 29% of the total foreign population. As for migrants' age, data show that the majority of migrants who came to Slovenia during the last decade belong in the age groups 20–24, 25–29, and 30–34.[5]

Figures on permanent and temporary resident permits issued in Slovenia show that the vast majority of these have been granted to third country

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[5] Cf. Statistical Office of the Republic of Slovenia, Statistical Yearbook 2011, available at http://www.stat.si; and Employment Service of Slovenia data, available at http://www.ess.gov.si/trg_dela/trg_dela_v_stevilkah/ zaposlovanje_tujcev (15 October 2012).

migrants for the purpose of employment and work, followed by family reunion and study purposes. The number of valid residence permits increased by 33% in 2008 compared to 2007, while subsequent years affected by the crisis have seen a decrease, which amounts to a decline of 18% in 2010 compared to 2008.[6] This was the consequence of both the changed economic situation, which led to a substantial downsizing of companies, and of the *Decree on Restrictions and Prohibition of Employment and Work of Aliens* adopted in 2009, which substantially limited the employment and work of third-country migrants in Slovenia.

The Employment Service data show that almost half of all migrant workers, mostly citizens of Yugoslavia's successor states, work in construction, a sector that would not be able to function and operate without the cheap and hardworking migrant labour force (cf. Medica *et al.* 2011; Pajnik and Bajt 2011). This in itself points to a considerable level of gender segregation, since the construction sector is highly masculinised. Being considered a 3D sector, it is traditionally shunned by local workers and widely recognized as a sector characterized by hard working conditions, unsteady work arrangements, low payment, low level of protection of workers' rights and frequent accidents (Ibid.). The construction sector is followed by the manufacturing sector in which migrants account for 13.3% of workers, and the motor traffic and storage sectors with nearly 6% of migrant workers; other sectors (i.e. accommodation and food services, health services, farming) have much lower shares of migrant labour force. Despite substantial recent downsizing, the construction sector is still predominately filled by male workers coming from the former Yugoslav republics who perform especially hard physical work. Of 74,008 valid work permits in January 2011, 37% were issued for work in construction. It should be noted, however, that the number of valid work permits decreased to merely 34,221 in December 2011. Partly the reason for change is the adoption of the new *Employment and Work of Aliens Act* in April 2011 that enables free access to the labour market to various groups of migrants that before needed a work permit, while a significant reason for the decrease is the collapse of some of the industries because of the crisis.

Data shows that migrant women are represented above average among the service and sales staffs, while their shares in administrative and

6   Cf. 2010 *Report of the Migration and Integration Directorate*, Ministry of the Interior, available at http://www.mnz. gov.si. (4 September 2012).

professional jobs and in elementary professions are higher than those of men.[7] It is also interesting to note a conspicuously gendered distribution of migrant women across specific sectors. While Thai migrant women are mainly employed in health centres and spas as masseuses, Ukrainian, Russian and Moldovan female migrants, for example, mainly work in nightclubs, bars, and restaurants. Despite the fact that male migrant workers are in much higher demand and consequently represent a majority, migrant women in Slovenia have been increasingly filling positions within informal sectors of the labour market, particularly invisible domestic work, household cleaning and care work which is often performed by women who migrated from one of the former Yugoslav republics (Cukut 2008; Hrženjak 2011). The share of GDP made by undeclared labour in Slovenia is estimated differently by different sources. It is reported to be between 17 and 25% (Renooy et al. 2004, pp. 25-26) and between 3 to 21% (Nastav 2009); the latter estimate states that the most reliable figure for 2007 was 15.6%, while the Slovenian Chamber of Commerce[8] cites OECD data that estimate recent grey economy at 28% of GDP. Apart from feminized care work, the masculinized construction sector is noted as a sector with the highest share of undeclared work.[9] Also, according to the 2011 Labour inspectorate annual report the number of violations of legal provisions related to employment and work of foreigners, specifically in the precarious sectors of migrant work, are on the rise in the period from 2010 to 2011.

Recently many of the largest industries have faced bankruptcy. In particular, the construction sector was hit the worst and the closing of many companies revealed the reality of bad management, corruption coupled with takeovers and the privatization of profits by the owners at the expense of workers, all of which resulted in massive layoffs. Consequently, the official unemployment rate for Slovenia has been on the rise in the last years; it has risen from 6.7% in 2008 to 11.8% in 2010, while unofficial estimates that take into account the level of poverty point to even higher figures. According to Bauman's (2005) categories, in general the numbers of the "new poor" are on the rise. The number of unemployed migrants is

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7   Statistical Office of the RS, Statistical Yearbooks 2008, 2009, 2010, 2011 http://www.stat.si (29 September 2012).

8 Cf. http://www.gzs.si (26 October 2012).

9   Labour Inspectorate annual reports for 2009 and 2010, Ministry of the Interior, http://www.mnz.gov.si/ (9 July 2011).

hard to decipher from the official data and is not representative as only the holders of personal work permits can register with the Employment Service as unemployed. Employment Service[10] data shows an increase in unemployed migrants if we compare figures for 2009 and 2010, and the majority of these are migrants from Bosnia-Herzegovina, Serbia, Croatia, Macedonia and Kosovo. The end of 2009 saw 1,606 registered unemployed migrants from Bosnia-Herzegovina, with this number rising to 2,920 at the end of 2010.

Labour market ideologies and implications for migrants

Work permits and quotas: securitizing the market, insecuritizing the migrants

In terms of legal stipulations and policy provisions, it has to be noted that EU nationals formally have equal access to the labour market in Slovenia as the native-born population, whereas access for migrants from third countries is tightly regulated, specifically by work permits and the quota system. It had been expected by politicians and advocated in the media that the number of migrant workers would steadily rise after Slovenia's accession to the EU. Consequently, in 2004 Slovenia set a quota on work permits which could be issued to third country migrants, with the highest allowed share of foreign workers set to 5% of the active population of Slovenia. Within this overall framework, annual numerical limits were fixed depending on the economic situation. In light of the economic downturn which hit Slovenia harder than most other OECD countries (a drop in GDP in 2009 by more than 8%) the upper limit was reduced from 32,000 in 2008 to 24,000 in 2009, and further to 12,000 in 2010, which translates into a 62.5% decrease during the last two years. According to the new *Employment and Work of Aliens Act* from 2011, quotas are not binding any longer. In the new diction of the act, the government "may" prescribe quotas, meaning that these are no longer a necessity, and none have been set

10 Cf. http://www.ess.gov.si/ (20 October 2012).

for the years 2011 and 2012, obviously due to a massive return of migrants as a consequence of layoffs and bankruptcies. Clearly, quotas were not abolished in an attempt to increase the security of migrants. Rather, none have been set because of huge layoffs, meaning that there is no "fear" any longer that the number of migrants would exceed the 5 percent share of the active native workforce, which points to the protectionist nature of Slovenian migration policy.

Our sample includes two migrants who had worked and lived in Slovenia in the past, before their current migration experience. Fikret and Milutin came to Slovenia for the first time in 1987 and 1977, respectively. At that time, Slovenia was still part of Yugoslavia, so they were internal migrants from other federal republics (Fikret from Bosnia and Milutin from Serbia) and they both worked at the railways. Interestingly, both fondly remember their prior migration experience and life in Slovenia, describing it as much better than it is today. In his narrative Milutin frequently referred to the great times he had in Slovenia when he served in the military and later when he began to work. However, they have less fond memories of their present-day, work-related experiences. Both Fikret, who works as a construction worker, and Milutin, who works as a bus driver, refer to similar problems arising from difficult work conditions, miserable salaries, payment problems, and employers' dreadful attitudes unlike those they knew in the past.

Apart from the quota system, it is the type of work permit that strongly influences migrants' general and employment positions. Three main types of work permits are issued to migrants from third countries and their peculiarities changed in 2011 with the changes of the *Employment and Work of Aliens Act*: a) personal work permit, b) employment permit, and c) permit for work. Work permits are habitually issued on an employer's demand under the condition of a lack of suitable domestic workers. A positive change since 2011 is that personal work permits that are issued with a three year validity period are applicable to several additional groups of migrants (like family members of foreigners with a permanent residence permit). A valid personal work permit enables migrants the most flexibility, i.e. access to the labour market without further restrictions, except if it is issued for one year for self-employment. Employment permits must be obtained by the employer before a migrant enters Slovenia and

are dependent on the absence of suitable registered unemployed native workforce. while the migrant can only be employed by an employer who obtained the permit and can only perform work for which the permit was issued. Permits for work are meant for referred or appointed workers, movement of persons within an enterprise, education and training in Slovene enterprises for managers, training, contractual services, and, most importantly, for seasonal jobs in agriculture and forestry. The permits for work allow a migrant to work only for the designated employer. The residence permits which are tied to the validity of work permits continue to be a mechanism that has proven to worsen migrants' positions in the labour market.

Employment Service data show that the number of valid work permits (i.e. permits that have actually been issued to migrants) has been on the rise since 2005; in 2008 there were more than 90,000 valid permits which was an increase of 52% compared to 2005. The increase was related to larger demands for migrant workers to fill in labour shortages, specifically in the then booming construction sector. Numbers for 2009–2011 point to a decrease in the number of permits due to recession and new policies aimed at the protection of native workers. Data also shows that the number of issued work permits (i.e. new permits that have been granted to migrants) has been on the rise during the period between 2000 and 2008, and that the majority of all permits were employment permits, meaning that the majority of migrants were tied to one employer with scarce or no opportunities to change their status. A steep decline in the number of issued work permits has been noted during the recession period 2008–2010; in 2010, 38,204 work permits were issued, i.e. 55% less than in 2008. This can be explained as related to substantial downsizing within the construction sector. It can be deduced from this data that during the recession period migrants from third countries who had resided in Slovenia for a longer period and have fulfilled the conditions for obtaining a personal work permit remained in Slovenia, while many who had temporary jobs or short-term contracts with no guaranteed renewal and with limited social protection lost their jobs and consequently returned to their countries of birth.

In general, the narratives of our interviewees revealed the extent to which their status determined their overall position in the Slovenian labour

market and consequently their access to various welfare provisions. The work permit that binds migrants to one specific employer was recognized as a serious problem in these narratives. Men employed in construction predominantly described how they entered the labour market under the auspices of one employer that initially promised great things, particularly a high salary, but failed to deliver any of these. Fatlindi, for instance, who came to Slovenia from Kosovo, experienced poor working and living conditions, but being tied to his employer who took advantage of all employees he had to endure precarious job conditions without social insurance and now felt cheated out of what was rightfully his. His story is an exemplary "model" of how profound the consequences of an employer's failure to follow the regulations are. Not only did Fatlindi lose three years of rights related to social security, but now he even fears that he might have problems with proving that he continuously resided in Slovenia, which he has to do in order to be entitled to certain welfare provisions.

The legal provisions defining different migrant statuses, which are also characterized by frequent changes, are connected with the way in which a person enters Slovenia (e.g. as a work migrant, refugee or marriage migrant) and with the type of work they perform (e.g. contractual, seasonal, self-employment, etc.). For example, Ali, a 42 year old migrant from Iran, had a special refugee status that is associated with rights that are officially almost equal to those of Slovenian citizens. This means that he had the right to search for a job and he was also entitled to social assistance, registration with the Employment Service and unemployment benefits. However, even though he officially had the same rights as citizens, Ali still had to resort to illicit work since as a "foreigner" he was not able to obtain a job. Also, his chances of employment are in general slimmer because of employers' suspicious attitudes towards "unknown" migrants with whom they cannot communicate in Slovenian, Croatian or Bosnian language. Moreover, several of our interview partners said that their work contracts were to expire at the end of 2009, so they worried if these would be prolonged, and if not, whether they would be able to find a new job. Milutin was sceptical and uneasy about his chances. On the other hand, Abdić, a 29 year old self-employed construction worker who migrated from Bosnia, was plagued by different kinds of problems connected with his self-employment status, e.g. regular payment of his workers, constant securing of sufficient work to cover all the expenses, handling of clients who are late with their payments, etc.

Not being able to obtain a work permit drives migrants to work on the black market. Fatima, who migrated from Bosnia and works undocumented as a cleaner, explains how nobody wanted to hire her because she did not have a work permit. She's terrified over the burden she's been carrying for not working legally, namely the fear of being discovered, prosecuted and deported. Our interviews with women migrants have revealed the exhaustion of many who, beside the work they perform in difficult conditions, are double-burdened with domestic work at home while several also reported taking care of their sick relatives in Slovenia or, from a distance, in their country of birth.

The above presented data on work permits and quotas as well as interviews with migrants point to a conclusion that migrants' work arrangements are more unstable, of a shorter duration and more vulnerable to abuse than those of the Slovenian citizens. The majority of migrants end up with having short-term contracts, while fixed-term contracts (full or part time) are still a predominant employment pattern for citizens, although the recent drastic saving measures adopted by the government are expected to change this soon. Our interviews with migrants showed that the reason for taking short-term jobs and accepting bad working arrangements is the absence of other options. Lack of opportunities for stable jobs has also been observed with Slovenian workers. However, the information obtained through interviews makes it possible to conclude that fewer migrants than those with citizenship status are in a position to refuse a job on grounds of "not wanting to perform the kind of work that is being offered."

Anti-crisis measurements: restriction and retroactivity of policies

The recent changes in employment policies compounded by the wider negative attitude towards migrants in Slovenia spurred by the global recession and protective policies of the state, put migrants in an even more marginalised and precarious position. Undoubtedly, making migrants' labour dependent on the interests of the national economy is not a new approach; quotas and different types of work permits discussed above are examples of mechanisms that are used not only in Slovenia

but elsewhere as well to control the need for migrant work. However, the crisis has led to the introduction of certain additional control measures. The document *Rules on work permits, on registration and de-registration of work and on the supervision of the employment and work of aliens,* adopted in 2009, includes, among other things, a stipulation that allows the employment of "third country nationals" only if no appropriately trained unemployed Slovenian citizens are available to fill a specific job position. This is in contrast to the previous rule which made it possible to issue an employment permit for a job within an understaffed field without checking the potential availability of native workers. The government justified this change as part of its recent measures adopted to combat recession, i.e. the protection of jobs of "Slovenian nationals."

Among the reasons for introducing the new *Employment and Work of Aliens Act* in 2011 the government stressed the need to "regulate better the labour market," specifically to prevent the alleged abuses of the law in previous years caused by a trend of setting up companies to obtain work and residence permits in Slovenia which were then used by migrants to travel to other countries of the Schengen area. Such "abuses," which can alternatively be viewed as survival strategies of certain migrants, were already counteracted in 2009 with the *Decree on restrictions and prohibition of employment and work of aliens* and with the quota for 2010.

The *Decree* included a ban on employment in seasonal work within all sectors except agriculture and forestry and a prohibition of issuing new permits for "representatives of micro and small companies and for representatives of branch offices" for foreigners from Kosovo. Symptomatically, the government justified the new *Act* that introduced harsher conditions for migrants who wanted to set up a company by stressing not only the need to "protect" its "native" labourers, but also the need to "increase the general protection of migrant workers." Also, it has to be noted that workers coming to Slovenia from EU member states are not subject of protectionist policies. Transposing EU provisions Slovenia needed to equalize their chances to compete on the labour market. Another probable reason why policies have not been mobilized towards EU workers in Slovenia – unlike in some other EU member states that limited migrant flows from Eastern Europe – lies in the fact that the numbers of EU migrants in Slovenia compared to "third country" migrants are negligible.

Our sample included several examples that show how the protectionist measures affected the position of migrants. The global crisis is increasingly used as a readymade excuse that diverts attention from poor management by giving xenophobic reassurances that the "native-born" workforce is of greater importance. The interviews with migrants showed that they were the first in line to lose jobs regardless of their unfavourable working arrangements. This has made many workers who have succumbed to the self-will of their employers afraid of not being able to keep their work permits. Several interview partners confirmed that an immediate effect of this measure was the worsening of their work-related options; namely, it became harder to get any kind of job, even for a short period. It has been observed that new policies increased the vulnerability of migrant workers, specifically by making them more dependent on the self-will of their employers, and that they were perpetuating racism and discrimination. The story by Aki, a maintenance worker from Montenegro, revealed how his employer differentiated among workers and assigned jobs depending on worker's nationality. As a result, the Slovenes get to perform works that are physically not so heavy and also get work which require some learning and obtainment of additional skills. Bosnians, Montenegrins and Serbs performed physically heavier jobs, and also the boss didn't bother to instruct them how to do certain jobs as he only chose to instruct Slovene workers, no matter of the quality of results of their work. The working conditions and workloads also varied, with migrants being assigned heavier workloads and having to endure worse working conditions than the native population. Aki further described how his employer did not tolerate any objection or questioning of his rationale, and how one could be fired for speaking up.

Certain policy changes did represent a move in a positive direction, but only tentatively, since none of these measures have been taken with the intention to protect migrants. One among the novelties introduced by the new *Act* allows a migrant to obtain a personal work permit for three years based on her/his uninterrupted employment for the period of 20 months at least, enabling the migrant to change the employer. In the past to be entitled to obtain a personal work permit a migrant had to be employed by the same employer for at least two years. This all-important change was brought about by media pressure and public visibility of various research findings and of trade union activities which have exposed the

dependency of migrants (cf. Medica *et al*. 2011). As a matter of fact, during 2010 the media extensively reported on the miserable working and living conditions of migrants, specifically highlighting the slave-like conditions endured by construction workers coming from the former Yugoslav states. The situation of refugees and migrants with permanent residence has also seen a slight improvement: according to new provisions they can freely access the labour market without needing to apply for a work permit. The law further declares that the labour market is freely accessible to immediate family members of Slovene citizens.

The Aliens Act was also amended in the autumn of 2011. Among the important changes is a provision stating that migrants, after losing their jobs, can stay in the country for additional three months based on their registration with the Employment Agency, meaning that temporary residence permits are prolonged for three months and migrants are not forced to leave the country immediately. Furthermore, it is expected that family members would not have to wait for one year to join the primary migrant, as they had to do in the past. The new law is also advocated as a change that is expected to increase the protection of illegally employed workers. Namely, those willing to testify in court against their employer might be granted residence permits.

Some actors such as trade unions and NGOs welcomed the changes, although these were introduced very late, i.e. when the economic crisis had already struck and many migrants left Slovenia, rather than some time ago, when greater protection of migrants was badly needed. It seems that the economic reality and its negative impacts on migration trends have overtaken changes in migration policies, which is a worrisome trend (Medica *et al.* 2011, p. 96). The response has obviously been sluggish, with policies being introduced only after the situation on the labour market had already dramatically changed. The new stipulations drew criticism particularly from the Invisible Workers of the World who argued for a more holistic approach to address migrants' living and working conditions.[11]

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11   Cf. http://www.njetwork.org/ (25 September 2012).

Public perceptions, discrimination and solidarity action

Research (Pajnik 2008; Kralj 2008) has shown stereotypical and often exclusionary practices of media reporting about migrants and migration in Slovenia. The recent (2010–12) heavy exploitation of migrant workers has, however, caused a shift in media reporting, leading some of the media to initiate debates on the exploitation of migrant workers. A notable trend, however, shouldn't be interpreted as a generally favourable attitude supported by media and public discourses overall. For example, it is a worrisome trend that the country has seen a rise in the number of "patriotic" (i.e. nationalistic) organisations and movements that promote openly discriminatory and racist attitudes, and new media increasingly appeared as facilitators of their organization. Recently, the arguments of these extremist organisations have found their way into mainstream political discourse as certain politicians use discriminatory populist rhetoric to gain public support.

Interestingly, recent reports on public opinion surveys point to a "dualism" in perceptions of migrants and migration. On the one hand, pragmatism related to economic interests has been detected, leading respondents to welcome migrants as needed labourers who contribute to economic stability and growth. On the other hand, distancing towards migrants is clearly visible, with migrants seen as a "social threat" to the local population (Zavratnik 2011; Kralj 2011). Surveys have detected a rise in the number of respondents who think that Slovenia needs migrant workers to fill vacancies in understaffed sectors – in 2007, 36% of respondents were of this opinion compared to 45% in 2010 (Kralj 2011, pp. 287–288). Also, the percentage of those who think that migrant workers are a burden for the state has seen a steep decline – it fell from 43% in 2007 to 24% in 2010 (ibid.); this can be attributed to the impact of media reporting that was supportive towards migrants' struggle for decent life and just earnings. At the same time the survey shows that the share of those who think that migrant workers decrease the value of domestic labour force has remained high and even increased from 55% in 2007 to 60% in 2010 (ibid.).

Researchers (Kralj 2011, pp. 289–291; Zavratnik 2011, p. 67) report that a high percentage of respondents were in favour of restrictive migration policies: in 2010; 52% of them claimed that Slovenia needed a stricter immigration policy. Interestingly, the study (Kralj 2011) has found that a

large share of respondents supported the statement that Slovenia should make efforts towards becoming an open, tolerant and multicultural society – 76% in 2010, which is an increase up from 63% in 2007. Furthermore, 44% of respondents agreed that migrants contributed to the shaping of a multicultural environment (25% disagreed with this statement), which is an increase by 7% compared to 2007, when this percentage stood at 37%. A clear discrepancy has been observed between the general claims that demonstrate general support for the development of an open, multicultural society, on the one hand, and calls for a repressive and selective migration policy. In 2010, 60% of respondents agreed that migrants should be included in the national labour market on an equal footing with the domestic population. On the other hand, a large proportion of respondents thought that migrants could not claim the same rights as the natives (54% in 2007, down to 44% in 2010).

Analyses of survey data point to a controversy within the debate on migrant integration: "Yes, we want to have an open society" vs. "No, migrants shouldn't participate on an equal footing with the natives." The data measuring social distance show that 51% of respondents would not mind having migrants as neighbours; according to the 2008 SPOS[12] survey (the leading Slovenian social survey project) 28% respondents stated that they would not want to have migrants as neighbours.

We have shown how the recent socio-economic-political situation can be used as a backdrop to enforce problematic state policies that negatively influence democratization processes, reinforce the gaps between the "citizens" and "non-citizens" and that can play an important role in legitimizing racism and discrimination. Our interview partners offered many examples of unfair treatment. For example, Bukefal, a medical doctor from Macedonia, who had performed low-skilled, physical, undocumented work, explained how he was not considered a regularly employed hospital worker simply because of his migrant status. Although he performed the same work as his Slovenian colleagues who received a salary, and although he had as many working hours as they did and invested just as much effort, he could only work as a "volunteer." Similarly, Ali was critical of discrimination and exclusion at the work place. He gave

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12 Cf. Reports of the Slovenian Public Opinion Survey (SPOS), a project of the Public Opinion and Mass Communication Research Centre at the Faculty of Social Sciences are available at http://www.cjm.si (28 November 2012).

the example of his former co-worker who did not speak Slovene but his superiors nevertheless talked to him in Slovene, putting his colleague in an uncomfortable position. Several interview partners spoke of being treated unfairly and with obvious disdain. For one of our respondents this became simply unbearable so he quit. The last straw for Milutin was his employer's invitation for a drink and meal, accompanied with a remark that they finally had a chance to eat a proper meal. For him, this was the worst insult he could imagine, especially because in his country of birth, Serbia, they were never short of food. When he and his colleagues decided to quit on grounds that they no longer wanted to work for such an employer, the employer was stunned and even offered them a raise in salary, but they refused to stay.

Importantly, during the last two years, similar kinds of life experiences have found their place in the media, unlike in the past. In addition, we have witnessed a rise in actions that expressed solidarity with migrants who suffered from exploitative work and living conditions. Recently, a trade union, several NGOs, the Invisible Workers of the World (IWW) initiative[13] and several individuals working in different sectors publicly stood up for the rights of migrant workers in a move aimed to improve their precarious statuses. Other related activities have taken on various forms, ranging from visible public discussions and analysis, street protests and online petitions against the poor treatment of workers in various sectors of economy such as construction and manufacturing, to humanitarian actions undertaken to alleviate the hardships of realpeople, media conferences, work with migrant workers to stimulate self-organization, etc.

In 2010, several groups of migrants working for different companies, many of which were linked to the construction sector, started to self-organize and raise their voices against the miserable work conditions and work-related exploitation, staging several protests including a hunger strike. One such action was the strike at the port of Koper in 2011 organised by the trade union of crane operators, which was followed by a spontaneous rebellion of workers employed by external providers of port services.[14] Below we

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13 The Slovenian IWW network that defines itself as the "biosyndicate initiative" is part of the global movement of the IWW. See http://www.njetwork.org/ (25 November 2012).

14 The detailed documentation of the strike is available at the IWW website, cf. http://www.njetwork.org/ (3 September 2012).

include the statement of the Union of Subcontractor Workers at the port of Koper which illustrates well the daily struggle of many migrants working in similar sectors across the country. Their account was also corroborated by the narratives of our interview partners.

We don't have regular working time, so we have to be at the disposal of our employers 24 hours per day, seven days a week, every month, throughout the year. At any time. We don't have a work schedule, we have to be available "on demand." We have to respond to the call of the employer within one hour. When we arrive at work, we don't know when the work will be finished. We are quite often obliged to work several shifts in a row, sometimes as many as 4 shifts, which translates into 32 hours of continuous work. Sometimes we even have to work 10 successive shifts, meaning that we have to work continuously for 3 to 4 days. ... The total number of working hours of an individual worker amounts to 250 per month, in accordance with the needs of the port, but often we make up to 300 or even 350 hours per month.

The same "flexibility" that governs "regular working time" is also applied when it comes to payment for work. Work contracts, usually printed on pre-defined forms, are incomplete, since they do not include provisions on bonus payments. This means that overtime work is paid at the same rate as regular work, from 2.5 to 4 euros per hour. Employers do not pay our transport expenses, and our food expenses are "paid" with vouchers redeemable in the port canteen (worth 3 to 4 euros). Our income on payrolls is accounted as follows: the salary is shown as the prescribed minimum wage for regular working hours, and the payment for overtime work is presented as transport expenses (even if the worker lives only 200 meters from the port) and additional payment for a separate household and food expenses (in the maximum amount). ... We are constantly exposed to mobbing on the part of our employers as well as workers employed directly by Luka Koper. Any expression of discontent or resistance, even to illegal orders, is sanctioned with temporary or permanent removal from the work place (they force us to quit). Such circumstances force workers into obedience, especially those who work under a temporary work contract or have a temporary work permit.

Conclusions

If citizenship refers to the equalization process in contemporary societies, then migration management, exemplified through the case of Slovenia, points to a decline in citizenship. If citizenship refers to the process of "citizenization" of people, the shaping of citizens and non-citizens as political beings, where societies aim at fostering exchange between different people in the public sphere on an equal footing and are attentive to secure solidarity as a principle of action in the polity, then we have been experiencing the process of "decitizenization." Migrants are confronted with what can be called "the strategy of circular conditioning" (Pajnik 2011a). They are subjected to various condition-setting mechanisms, such as work permits, residence permits and citizenship status, all of which make their work and general life options in a given society insecure.

Analysis of policies as well as the migrant's own narrations revealing of the effects of policies, point to the fact that despite the transnationalization and globalization trends the nationally-embedded frameworks on the basis of which policies are formed across the EU still persist (cf. Habermas 1994). The need to readdress some persistent national ideologies within globalizing-national states that are today recognized as de facto multicultural societies has become obvious, perhaps more than ever in the past. In this article we exposed the persistence of labour market ideologies that are intended to limit and prevent migrants' employment, while analysing their rationale and concrete impacts on migrating populations. The conditionality of migrants' lives that is inspired by nationalistic protective measurements on the one hand and xenophobic attitudes on the other poses further challenges to the idea of citizenship.

In Slovenia and in several other EU member states migrants experience significantly higher levels of unemployment and underemployment than "native" workers. While this is allegedly caused by the current economic crisis, our research confirms that even during the times of economic growth many migrants were unable to make use of their skills, frequently working in low-skilled, temporary, and badly paid jobs. Furthermore, "third country" migrants are over-represented in informal segments of the labour market. Their prominent lack of access to legal employment forces them

to become undocumented and undeclared workers in order to survive, so they experience a higher degree of vulnerability and receive little or no legal and social protection. Moreover, employers tend to avoid offering migrants stable employment. Rather, they find it more convenient to hire a migrant for a short-term period, which is an arrangement that involves the lowest level of social security and rights for migrants, and then, after the expiration of the work contract, hire a new person.

The question raised by our analysis is that of the possible ways of envisioning citizenship for a globalized world for the future, where the principle of equal action among various populations in a polity would be observed (cf. Pajnik2011b; Štrajn 2011). We have shown that answers should be sought within the solidarity-oriented activities of people who have recently engaged in a massive struggle against the contemporary profit-oriented management of the elites in our societies. Answers are being shaped through actions and movements that deserve our greater attention in the future, while we endeavour to find explanations and answers for the future courses of our societies and for the citizenization of citizens, where the concept of citizens should encompass people in general, citizens and non-citizens, including stateless people, alike.

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Mediation of the European Union in the Middle East Peace Process

Marijana Musladin[1]

Abstract

The European Union is one of the most powerful political and economic actors in the world. The EU is based on and promotes principles of conflict prevention and resolution, internally as well as in its external relations. With a great number of political, economic and military instruments at hand and with its presence in more than 130 countries worldwide the EU is in a position to play a proactive role in peacemaking efforts. So, the term "international peace mediation" needs to be qualified when used to describe the role of the EU in the Middle East Peace Process.

The aim of this paper is to analyze the EU's role in the Middle East Peace Process and to research whether the mediation of the EU contributed to the stabilization of the situation in the Middle East. The focus of the research is on the instruments that the EU uses in the international peace mediation, specifically on the instruments it uses in the mediation of the Israeli-Palestinian conflict.

KEY WORDS:

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Introduction

'' The European Union is one big mediation and conflict resolution machine, based on law and non-stop negotiations. This puts us in a position to not only advocate preventive diplomacy, but also to implement it.'' (Javier Solana).

In the past mediation of the Israeli-Palestinian conflict was unilateral in character and dominated by the United States. Until the 1990s the European Union was mostly interested in economic cooperation with countries in the Middle East, but not in resolving the Israeli-Palestinian conflict. In the regional policy of the European Union by the 1990s the Middle East was looked at in the context of the wider Mediterranean area. Potentially, the Arab League[2] was the most appropriate institution with which the EU could agree on economic cooperation without interfering in the Israeli-Palestinian conflict.

However, the specificity and longevity of the Israeli-Palestinian conflict and the desire to strengthen its own reputation have prompted the EU to try to impose itself as a mediator in the conflict.

The turning point in the politics of the European Union was marked by the negotiations between Israel and the PLO in Oslo in 1993. The EU concentrated on creating the conditions on the ground that would ensure the coexistence of the parties to the conflict and provide the necessary socio-economic conditions for lasting peace and stability in the Middle East. For the European Union the Palestinian Authority (PA) represented the player that needed maximum assistance in the region considering that it was not an equal enough partner with Israel in the Peace Process. Since 1993 the EU has been the largest donor of financial and technical assistance to the PA and the Peace process as a whole.[3]

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2   The Arab League (officially called the "League of Arab States") is a regional organisation of Arab states in North and Northeast Africa, and Southwest Asia (Middle East). It was established in 1945 and has 22 members: Algeria, Bahrain, Comoros, Djibouti, Egypt, Iraq, Jordan, Kuwait, Lebanon, Libya, Mauritania, Morocco, Oman, Palestine, Qatar, Saudi Arabia, Somalia, Sudan, Syria, Tunisia, United Arab Emirates, and Yemen. To view more details check: www.arab.de/arabinfo/league.htm.

3   In recent yearsthe contribution of the European Commission and EU Member States has reached ⊣ billion per year.

Currently, one of the strategic priorities of the European Union's foreign policy is to resolve the Israeli-Palestinian conflict. Without achieving this goal there will be little chance of solving other problems in the Middle East (http://ec.europa.eu/).

However, since the beginning of development of the Common Foreign and Security Policy (CFSP) at Maastricht, which entered into force in 1993, the EU has supported or participated in all international efforts to resolve important issues between Israelis and Palestinians. Research will show if the policies of the European Union have been successful in this plan.

Mediation and international peace mediation

As the conflict is part of everyday life, mediation can be and is practiced every day and everywhere. Simply put, it is a way of reaching decisions in a cooperative way, allowing for clear and open communication processes. Conflicts can be resolved in a formal manner through courts, arbitration, diplomacy and mediation, or in an informal manner through friends, colleagues, religious and community leaders, and through dialogue (Herrberg, 2008:8). The way in which people resolve their disputes has an impact on how societies and institutions are governed, as well as on their ability to resolve conflicts with and within other communities. So, mediation often means different things to different people, even in a relatively homogenous setting – which in this case is the EU policy community. There are many definitions of mediation. Mediation is an informal and confidential way for people to resolve disputes with the help of a neutral mediator who is trained to help people discuss their differences. The mediator does not decide who is right or wrong or issues a decision. Instead, the mediator helps the parties work out their own solutions to problems (http://www.eeoc.gov/employees/mediation.cfm). Further, mediation is defined as a confidential and informal way to resolve a dispute with the help of a neutral third person (mediator). The mediator works with both parties to help them reach a mutually agreeable solution to their differences (Mediation - Alaska Bar Association). According to the Law.com Dictionary: "mediation is the attempt to settle a legal dispute

through active participation of a third party (mediator) who works to find points of agreement and make those in conflict agree on a fair result".

For the purpose of this research the most appropriate definition is that mediation is a third party assisted or third party initiated and led communication between representatives of conflict parties in order to bring them to direct talk to be able to discuss issues, reach an agreement and make common decisions.

Mediation and dialogue are often used in different ways by different actors or interchangeably. But, there is a difference. Unlike mediation, in which the goal is usually reaching a resolution or settlement of a dispute, the goal of dialogue is usually simply improving interpersonal understanding and trust. Dialogue is open-ended communication between conflict parties that is facilitated or moderated by a third party in order to foster mutual recognition, understanding, empathy and trust (Herrberg, 2009: 14). Dialogue and facilitation are thus less directive approaches than mediation. However, mediation and dialogue have very similar communication processes.

Mediation is widely recognized as an effective instrument in national and international conflict resolution, utilized by a variety of state, non-state and multilateral actors and agencies at different levels in the international system, and to different ends. Maintaining international peace and security is one key area where mediation gets utilized frequently, with varying degrees of success (Herrberg; Gündüz; Davis, 2009). For Antje Herrberg, international peace mediation is complicated and situation-specific, especially in terms of supporting all parties in conflict to keep mutual balance and symmetry (Herrberg, 2008:10).

In this globalized world the word "international" may indeed be redundant. It is used because international conflicts refer both to interstate and intrastate conflicts. But the environment, the abuse of human rights and likely changes in the global order, are all concerns of the international community and thus provide a rationale for mediation. The term "peace" refers specifically to a sustainable, enduring resolution to conflict. It therefore attaches a value to international mediation as an integral – not isolated – part in the conflict-resolution and peace-building cycle (Herrberg, 2008:9).

The EU is one of the most powerful political and economic actors in the world. In addition to bilateral relations with countries and regions in all continents the EU also operates delegations in all corners of the world – there is a network of over 130 EU delegations and offices (http://www.eeas.europa.eu/index_en.htm).

The term "international peace mediation" is used here to describe engagement in interstate conflicts by an outside actor - the EU. The Israeli-Palestinian conflict is not only one of the "most enduring and explosive of all the world's conflicts" (BBC News, 2010), but it also constitutes one of the first foreign policy projects of the EU and is characterised accordingly by decades of European involvement.

Overview of EU Mediation-Related Instruments and Mechanisms

The Common Foreign and Security Policy (CFSP) of the EU has been developed since 1993. The main objective is to formulate and implement a common policy in dealing with foreign policy and security issues. The Common Security and Defence Policy (CSDP), formerly known as the European Security and Defence Policy (ESDP)[4], is a major element of the Common Foreign and Security Policy of the European Union and is the domain of EU policy covering defence and military aspects.

Throughout the history of the EU a common foreign policy has always been a complex policy field. This is in part because foreign policy is still seen as part of a Member State's sovereignty. The CFSP is decided by the 27 Member States. Member States have different opinions and traditions regarding some regions of the world, often rendering a common position difficult (Middle East, East Europe).[5]

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4   The European Security and Defence Policy (ESDP) aims to strengthen the EU's external ability to act through the development of civilian and military capabilities in Conflict Prevention and Crisis Management. The Treaty of Lisbon (2009) renamed the ESDP to Common Security and Defence Policy (CSDP). The post of High Representative of the Union for Foreign Affairs and Security Policy has been created (superseding the High Representative for the Common Foreign and Security Policy and European Commissioner for External Relations and European Neighbourhood Policy). See full text of the Treaty: http://europa.eu/lisbon_treaty/full_text/index_en.htm

5   There are some changes after the Lisbon Treaty - High Representative for Foreign and Security Policy is also the Vice President of the European Commission, which ensures consistency and coordination of EU external action.

However, within the Common Foreign and Security Policy (CFSP) there are political and financial instruments that the EU uses in the mediation of security. Broadly speaking, these can be summarised as follows (EU political instruments with relevance for international peace mediation):

- **High Representative for Common Foreign and Security Policy** (CFSP) (currently Catherine Ashton) - support to the Council on matters relating to CFSP and support to implementation of CSFP- related decisions by the Council; participation in troika missions and leading on political dialogue with third countries.

- **Council Common Positions** - circumscribe shared foreign policy positions by EU Member States, including in conflict-affected countries; could serve to stimulate mediation-focused foreign policy approaches and stimulate member states efforts in the same direction.

- **Council Joint Actions** - taken by member states on behalf of the EU; can include suspension of diplomatic relations, imposition of sanctions, initiation of different types of EU missions.

- **EU Special Representatives and Envoys** - special Envoys can conduct assessment missions for the EU and can recommend courses of action for the EU on how to support specific peace processes, financially or technically; EUSRs can be nominated by the Council for specific regions or countries to assist, facilitate and contribute to ongoing peace processes; may or may not have explicit mediation mandates; ensure open communication channels between parties and Brussels/ Member States.

- **Policy Planning and Early Warning Unit** - assists with monitoring, analysis and assessment of international developments; receives political reports from EC Delegations around the world.

- **EC Delegations** - provide analysis and reporting on third country political and other developments; implement external assistance; provide logistical support to different types of EU missions and high-level visits; maintain networks and contacts with in-country political, economic and civil society actors.

- **Troika visits** - provide continuity to EU engagement, including

current, preceding and upcoming Member-State Presidencies of the Council; can conduct dialogues with third countries on behalf of the EU; opportunity for high-level political engagement by the EU in a mediation process, drawing on Member-State capacities.

- **Various EC Commission funding instruments, Instrument for Stability** (previously the Rapid Reaction Mechanism) - can provide financial assistance to "international and regional organisations, state and non-state actors," including for mediation efforts, negotiations, and monitoring and implementation of ceasefire and peace agreements through the Mediation and Policy Advice Facility. This can include: financial assistance to third parties mediation efforts; allowing parties to participate in mediation efforts; and funding technical support or mediation support efforts (Herrberg, Gündüz, Davis: 2009:10).

Components of the CFSP that are important to consider for the purposes of this paper are: the ESDP "pillar" which includes peacekeeping and crisis management missions, the High Representative for the Common Foreign and Security Policy, EU Special Representatives (EUSRs), Council Common Positions and Council Joint Actions. The Council regularly adopts the conclusions of the peace process in the Middle East and common positions[6] and actions.

Towards the end of 2005 the EU adopted Joint Actions setting up two ESDP missions in the Palestinian territories: the European Coordinating Office for Palestinian Police Support (EUPOL COPPS) and EUBAM Rafah - the observation mission which oversees the implementation of the Israeli-Palestinian agreement of the Rafah border which is a transition point between Gaza and Egypt. Despite the boycott of the Palestinian Authority that resulted in the suspension of EUPOL, the acceptance by the parties of a limited security role for the EU is a significant political penetration, showing the growing trust placed in the Europeans in this very sensitive area. These two missions should be seen in the context of the overall EU strategy for political engagement and practical assistance to the parties in the Middle East peace process. However, because of the partial success of the EU's operational missions, the EU must address the weaknesses of

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6   Latest Council conclusion see at: http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/130195.pdf

EUPOL COPPS. In particular, the mission must focus on capacity-building and reform rather than equipment and it should strengthen rather than weaken the rule of law. In this sense, cooperation with other operational actors is also very important.

The EUSRs are appointed to support the High Representative for the Common Foreign and Security Policy[7] in specific regions of the world. In general, their role is to promote EU policies and interests, assist in efforts to consolidate peace, stability and the rule of law, and help coordinate EU policy[8]. Direct action by the EU in the Middle East Peace Process has been possible through the presence of the High Representative and the Union's special envoy. The first High Representative for the Common Foreign and Security Policy was appointed in 1999. It was Javier Solana[9] and he had been the High representative for ten years and had actively participated in all bilateral and multilateral discussions about the Middle East. The role of the High Representative for Common Foreign and Security Policy has grown steadily since its creation. The High Representative has been particularly active in relation to the Middle East Peace Process and has made a significant contribution to advancing the EU's objectives in the region. The presence of Javier Solana as well as of other special representatives of the European Union, more than any other Member State in particular, has contributed the most impact of European policy on the conflict. Their intervention to resolve the conflict was evident during the negotiations,[10] in the security dialogue and humanitarian assistance during the one of the worst stage of the conflict in 2002[11] and in the active participation of the Quartet since its creation in 2002, leading to the Road Map. However, the mediation of Javier Solana in the peace process was

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7   In 2009. Catherine Ashton became the European Union's High Representative of the Union for Foreign Affairs and Security Policy. Under the Treaty of Lisbon this post is combined with the post of Vice-President of the European Commission. First EU High Representative for foreign and security policy was Javier Solana (1999 - 2009) In fact, his intervention contributed the most impact to the EU mediation in the peace process.

8   There are currently 11 EUSRs (Afghanistan, African Union, Bosnia and Herzegovina, the Middle East, Central Asia, South Caucasus, Kosovo, Macedonia, Moldova, Sudan and the African Great Lakes) with mandates that vary according to the political context.

9   Javier Solana has become well known on the international scene for his personal and intensive involvement in managing international crises such as the Iranian nuclear dispute.

10   Particular in the Mitchell commission's efforts to obtain a cease-fire.

11   The Second Intifada is popularly referred to as the al-Aqsa Intifada after the Jerusalem mosque where the initial violence broke out. The intifada or "uprising" resulted from a combination of the failure of the Oslo process in creating conditions for an independent Palestinian state and failure of the preceding Camp David Summit. This intifada differed from the First Intifada in the use of violence by both sides, with Palestinian groups deploying suicide bombers and Israel invading Palestinian towns with tanks and helicopter gunships.

the most concrete after the outbreak of the Second Intifada, particularly in the period from 2000 to 2002. Namely, the conflict in the Middle East since the summer of 2000 has been a difficult test for Europe's doctrine of crisis prevention and management. Javier Solana and his special envoy Miguel Moratinos had a key role in overcoming the crisis, which meant the end of the peace process and seriously challenged the EU's vision of resolution of the conflict.[12]

The EU's political role in the Middle East Peace Process

The Middle East Peace Process may well be the most spectacular deception in modern diplomatic history. So many people have been interested in the Israeli-Palestinian conflict for so long that there are literally thousands of books and many more thousands of articles devoted to it. Most follow a simple pattern - a discussion of the origins of the conflict, an explanation for its intractability, and a set of prescriptions for how to bring it to a close (Peleg, 1998; Yorke, 1999; Ginat, Perkins, Corr, 2002; Aoun, 2003; Asseburg, 2004; Tocci, 2011.).

To go into the analysis of the European Union's mediation in the Middle East Peace Process, it is necessary to define the concept of the peace process.

When we talk about peace process, it can be referred to in general as "Peace Building and Conflict Resolution" and specifically as the "Peace Process in the Israeli–Palestinian Conflict," which is the subject of research in this paper.

In the mid-1970s the term "peace process" began to be widely used to describe the American-led efforts to bring about a negotiated peace between Israel and its neighbours. The phrase stuck, and ever since it has

12 See concrete engagement after the second intifada in: Ortega, M. A new EU policy on the Mediterranean? , EU Institute for Security Studies, Paris, 2003.

been synonymous with the gradual, step-by-step approach to resolving one of the world's most difficult conflicts (Quandt, 2001). Generally, the conflict between Israelis and Palestinians can be described as political tensions and open hostilities between the Arab peoples and the Jewish community of the Middle East that have lasted for over a century.

The analysis which follows (EU Mediation in the Middle East Peace Process) is based on the so-called interest-based, facilitative approach towards mediation. As such, mediation is defined as a voluntary and confidential method of a structured process, where one or more impartial third parties assist conflict parties to reach a mutually satisfactory solution. The mediator provides a framework, but makes no substantial suggestions or decisions in the case (Herrberg, 2008: 9).

In the case of the Middle East Peace Process there are four impartial third parties in the scope of the so-called Middle East Quartet. What became known as the Quartet thus included four actors: the United States, the European Union, Russia and the United Nations. Its aim was to create a multilateral framework aimed at an Israeli-Palestinian negotiated solution based on UN Security Council (UNSC) Resolutions 24213 (1967) and 338 (1973) alongside the "land for peace" principle enshrined in the Oslo process.14 More concretely, the stated aim of the Quartet was to support the establishment of two states, Israel and Palestine, existing side by side within secure and recognized borders. Over the last decade the Quartet has affirmed itself as the official international forum for resolving the Middle East conflict, issuing regular statements and conducting a series of initiatives.15 However, the role between the four Quartet partners has not been equal, with the US and the EU adopting a more proactive role than the UN and Russia. Yossi Mekelberg commented that the EU and US played the leading roles in the Quartet, whereas the contributions of the United Nations and Russia were less significant. Dr Ahmad Khalidi saw the EU as inclined to follow the lead of the US (http://www.parliament.uk/hleu).

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13 Resolution 242 is one of the most commonly referred UN resolutions to end the Arab-Israeli conflict, and the basis of later negotiations between the parties. See http://www.un.org/documents/sc/res/1967/scres67.htm http://www.un.org/documents/sc/res/1973/scres73.htm for more information.

14 The term "Oslo Process" refers to the Israeli-Palestinian political process that started in 1993 and which was designed to reach a Permanent Status Agreement and end the conflict. See http://reut-institute.org/Publication.aspx?PublicationId=542.

15 For example, in its first two initiatives related to Palestinian reform and the Road Map the EU was in the political lead within the Quartet, taking the cue from Washington's unilateral moves outside the Quartet in support of a two-state solution premised on a reformed Palestinian Authority.

However, the inclusion of the EU within the Quartet was an acknowledgement of the growing political role of the EU in the Middle East Peace Process and the legitimacy of the EU's involvement as a major contributor to funding and institution building.

The Framework is the so-called Road Map for Peace that provided the diplomatic framework to achieve these goals. The Road Map foresaw three phases of implementation aimed at establishing a Palestinian state in three years:

1. the cessation of violence, Palestinian reform (including security sector reform), settlement freeze, Israeli withdrawal to the pre-Intifada (28 September 2000) lines "as the security situation improves" and Palestinian elections.

2. the creation of a Palestinian state with provisional borders.

3. the Israeli-Palestinian negotiations leading to a permanent status solution.

The principles of the Road Map included reciprocal steps undertaken by Israelis and Palestinians in the security, political, economic, humanitarian and institutional domains (Tocci, 2011:9).

Resolution of the Arab-Israeli conflict is of a strategic priority for Europe. The EU's objective is a two-state solution with an independent, democratic, viable Palestinian state existing side-by-side with Israel and its other neighbours. Analyzing the EU's role in the Middle East Peace Process, it can be concluded that EU policy in the Middle East has focused on three main areas:

- Provision of financial and economic aid to quicken the completion of the peace process;

- Strengthening regional cooperation in the Middle East and encouraging multilateral political negotiations to end the conflict;

- Building up democratic institutions and create conditions for independent functioning.

The basic stance of the European Union on the peace process in the Middle East was first introduced by the European Council's 1980 Venice Declaration and repeatedly confirmed during the summit and the meetings of the Council on Foreign Relations of the EU. Some of the declarations of the European Union have proved essential in the peace process. Their chronology can be distinguished as follows:

- **The Venice Declaration of 1980** - Joint European Policy towards the Arab-Israeli conflict was formulated in the Venice Declaration of June 1980 which recognised the right to security and existence for all states in the region, including Israel, and the need to fulfil the legitimate rights of the Palestinian people. At the time, thirteen years before Israel recognized the PLO as its negotiating partner in the Declaration of Principles of 1993[16], EC's defence of the principle of self-determination implicitly recognised the Palestinians' right to aspire to a state alongside Israel. That was the basis for the EU's support for a negotiated two-state solution. In this sense, the European Community was well in advance of the prevailing international consensus on the principles to be adopted towards resolving the conflict. Previously mentioned, the Declaration of Principles, in which Israel and the PLO formally recognised each other as legitimate negotiating partners, brought the EU more directly into contact with the parties. The EU encouraged both Israelis and Palestinians to negotiate and implement interim and staged objectives as a means of building confidence between the parties moving towards the negotiation of final-status issues.

- **The Berlin Declaration of 1999 –**During the German presidency between January and May 1999 the EU played a visible role with respect to Palestinian threats to issue a unilateral declaration of independence (UDI). The EU's Berlin Declaration in March 1999, which included a commitment to support the creation of a Palestinian state in the context of permanent status talks with Israel, was part of a package of measures designed to compensate the PA and Yasser Arafat in return for delaying an UDI. At that time the EU

16   The Oslo I Accord or Oslo I, officially called the "Declaration of Principles on Interim Self-Government Arrangements or Declaration of Principles (DOP)," was an attempt in 1993 to resolve the ongoing Israeli-Palestinian conflict. It was the first face-to-face agreement between the government of Israel and the Palestine Liberation Organization (PLO). These agreements were finalised in Oslo, and were officially signed in Washington D.C. on September 13 1993. Mahmoud Abbas signed for the PLO and Shimon Pres signed for the State of Israel.

had provided substantial funds to the Palestinians and appointed a special coordinator to assist the PA in the area of security. As a result, following the election of Ehud Barak as Israeli prime minister, many European officials and analysts have indicated an expectation of rapid progress in the peace process, assisted or accompanied by greater EU involvement (Steinberg, 1999.).

- **The Seville Declaration of June 2002** – At the European Council in Seville in 2002 the presidency of the European Council adopted the Declaration on the Middle East. Among other things, the Declaration emphasizes the importance of a political solution through negotiations and introduces specific details of the final status.

- **The Road Map** - In June 2002 the EU co-sponsored the Road-Map approach as a framework for Israeli-Palestinian negotiations towards the goal of a two-state solution.

- The Road Map emphasizes the need for Palestinian institution-building and economic recovery with a view to enhancing the strength and viability of the future Palestinian state. This "state-building process" requires sustained engagement on the part of the international community. It also requires urgent improvement on issues related to freedom of movement in the occupied Palestinian territory. The EU has repeatedly called for the immediate freezing of settlement activities and the proactive dismantling of outposts as set out in the Road Map. With the acceptance by the US of the Road Map, this position represented the international consensus.[17] At the same time, the Quartet was formed by the US, the EU, the UN and Russia which began to shape international policy towards the Middle East Peace Process. Since 2003 the official position of the EU has been to facilitate the staged implementation of the Road Map.

- **Annapolis Process** - From 2007 onwards the EU actively supported the "Annapolis Process" which committed the Israelis and the Palestinians to implement Road Map obligations and to reach a peace agreement by the end of 2008. In November 2007 an EU Action Strategy for the Middle East Peace Process was

17   The UN Security Council endorsed the Road Map in it's Resolution 1515 of 19 November 2003.

tabled by the European Commissioner for External Relations and Neighbourhood Policy, Benita Ferrero-Waldner, and the EU High Representative for the Common and Foreign Security Policy, Javier Solana, setting out a range of ways in which the EU can support the peace process and the conditions which are necessary for support to be effective. Considering the numerous risks involved (lack of time, weak leadership in both Israel and the West Bank, the split of the Palestinian territories, ongoing rocket fire from Hamas and Israeli settlements, a lack of determination in the Arab world to enact its Beirut Declaration (Arab Peace Initiative) to enable a sustainable peace, and a deterioration of the living conditions in the Palestinian territories) agreement could not be reached by the agreed deadline. Nevertheless, it should be noted that the European Union and its member states played a crucial role in reviving the Quartet's Road Map in early 2007 and in the run-up to the Annapolis meeting.

- In December 2008 EU Heads of State and Government made a statement[18] stressing that a comprehensive peace in the Middle East remains a top priority for 2009. In this statement the EU is more determined than ever to assist alongside the other members of the Quartet and the region's states in ending violence and relaunching the peace process. Therefore, EU proposals to resolve the crisis are: immediate and permanent ceasefire, immediate humanitarian action and stepping up the peace process.[19]

Based on the above, it is clear that the EU's consistent support since 1980 for a negotiated two-state solution as the basis for final settlement of the Israeli-Palestinian conflict has subsequently gained the adherence of the majority of the international community and, above all, since 2002, of the US, UN and Russia.

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18 It's about the individual EU statement. On the other hand, since its inception the Quartet regularly adopts statements [of?] the Middle East Peace Process. The latest statement dates from April 2012. Review of all statements available at: http://www.un.org/apps/news/docs.asp?Topic=Middle%20East&Type=Quartet%20statement

19 See: http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/cfsp/105082.pdf. Since 2000 the EU regularly adopts declarations on the situation in the Middle East, including the Arab-Israeli conflict. The last statement dates from August 2012. Review of all statements available at: http://www.eu-un.europa.eu/articles/articleslist_s7_en.htm

Currently the EU participates in the peace process through:

- the **Quartet**; including the political and financial support and assistance in human resources and appointing a special envoy for the exemption.[20] The Quartet as a mechanism reflects several fundamental principles of EU foreign and security policy, such as a belief in multilateralism. The inclusion of the EU within the Quartet was an evidence of the growing political role of the EU in the Middle East Peace Process and the legitimacy of the EU's involvement as a major contributor to funding and institution building.

- **bilateral relations** with Israel and the Palestinian Authority - which is supported through the Association Agreements, or the Interim Agreement and the Action Plan which was adopted in 2005 within the framework of the **European Neighbourhood Policy**,

- regional dialogue through the **Euro-Mediterranean Partnership (Union for the Mediterranean),** which remains the only multilateral forum outside the United Nations where all parties can meet.

- a variety of **confidence building measures;** for example electoral observation activities.[21]

- assistance aimed at creating conditions for peace, stability and prosperity in the region: encouraging economic, social, political and security reforms, providing humanitarian assistance to refugees, bringing together neighbouring countries within the EU Partnership for Peace program.[22] The EU has contributed substantial funding to the PA with the aim of sustaining it and building a viable Palestinian state with functioning institutions, which is necessary if the two state solution is to become a reality.

There is a general conclusion that the European Union plays an important role in the Quartet. This is apparent in the recent revitalization of the Quartet, which has now issued a number of statements about the peace process since 2007 and in the EU's role in leading the international debate and in influencing the US position. The EU has encouraged the idea of

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20 Andreas Reinicke was appointed on 1st February 2012. His mandate runs until 30 June 2013. The mandate of the Special Representative is based on the EU's policy objectives regarding the Middle East peace process.

21 EU election monitors oversaw the 2005 and 2006 elections-

22 EU annually allocates 100 million euros to help Palestinian refugees through the UN agencies.

meetings between the Quartet and regional parties and that is now effectively Quartet policy. On the other hand, introducing the Temporary International Mechanism (TIM)23 in 2006, as a vehicle for maintaining humanitarian support to the Palestinians, also strengthened the EU position in the Quartet.

The EU's membership in the Quartet has enabled it to extend its access and influence to policy-makers in the region, particularly as the EU is now also perceived as having a more unified voice than in the past. Membership in the Quartet has also enhanced the EU's access to US policy-makers and it is seen as a useful bridge between the Arab world and the US. At the time of highest violence in spring 2002, US intervention was very limited, since the idea that the fight against terrorism had to be pursued following September 11. The EU redoubled its efforts during this period and always tried to maintain open dialogue and reduce the effects of the violence. Since September 2002, the US and the EU have found that the Quartet is an adequate framework for cooperation.

Based on the above, it can be said that the EU's role within the Quartet needs to be more active and assertive than it has been in the past, providing leadership, with imaginative ideas and through engaging in a intensive dialogue with other partners, in particular the US.

The Euro-Mediterranean Partnership was launched in 199524, in part as an adjunct and support mechanism for the Oslo Peace Process then taking place between Israel and the Palestinians. The Euro-Mediterranean's political focus stopped short of entering into the details of the continuing conflict, but sought to support peace-building efforts by seeking to build regional integration, including through the promotion of a Mediterranean Free Trade Zone. Unfortunately, the Euro-Mediterranean partnership

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23 This mechanism was developed by the EU at the request of the Quartet (the EU, USA, UN and Russia) and endorsed by the European Council in order to facilitate the direct delivery of assistance to the Palestinian people, thus avoiding any financial links with the PA government. The objective of the mechanism is to relieve the current socio-economic crisis in the West Bank and the Gaza Strip, to ensure continued delivery of essential social public services to the Palestinian people and to facilitate the maximum level of support by international donors and the resumption of Palestinian revenue transfers by Israel. It is limited in scope and duration, and operates with full accountability and transparency.http://ec.europa.eu/europeaid/where/neighbourhood/countrycooperation/occupied_palestinian_territory/tim/index_en.htm

24 Formerly known as the Euro-Mediterranean Partnership (Barcelona Process).Cooperation agreements were re-launched in 2008 as the Union for the Mediterranean (UfM). The re-launch was an opportunity to render relations both more concrete and more visible with the initiation of new regional and sub-regional projects with real relevance for those living in the region.

also failed because the EU lacked more of an assertive political role in the peace process. The regional aspirations of the Euro-Mediterranean Partnership also suffered from the stalling of the Oslo Peace Process and the subsequent suspension of direct peace negotiations.[25] Yet, the Euro-Mediterranean Partnership (Union for the Mediterranean) remains the only regional forum in which Israelis and Arabs have continued to meet, even at the height of bilateral tensions.

The European Neighbourhood Policy (ENP) has emerged as a different type of instrument, based on deepening the EU's bilateral relations with neighbouring states, including Israel and the Palestinian Authority, and partly as a means of using the bilateral approach to overcome the blockages inherent in region-wide policies exemplified by the Euro-Mediterranean Partnership. The ENP Action Plans which are bilaterally negotiated by the EU with each partner also carry the advantage of bringing the political and economic instruments of the EU closer together under the Commission, which is thus able to create approaches better tailored to the individual circumstances of each partner. On 12 May 2010 the Commission published the so-called "neighbourhood package," consisting of an overall assessment of five years of implementation of the European Neighbourhood Policy (ENP) and 12 country reports on developments in 2009, including one on Israel and the occupied Palestinian territory. Israel remained an active partner in the framework of the ENP. This was demonstrated by progress made in implementing a large number of priorities of the Action Plan. The deterioration in the overall political context, in particular as regards the Gaza conflict in December 2008-January 2009 and a lack of progress in 2009 on the Middle East Peace Process, affected the process of upgrading bilateral relations between the EU and Israel. On the other hand, the EU and the Palestinian Authority (PA) have made a huge step towards enhancing political dialogue and reform within the framework of the ENP, most notably in the fields of the rule of law and public financial management. However, the ability of the PA to implement reforms continued to be limited as a result of the ongoing Israeli occupation, the blockade of Gaza and by the persistent political, legal and economic split between the West Bank and the Gaza Strip. However, the ENP has greater potential than the

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25 For example, at the tenth anniversary of its launch in Barcelona in 2005, only one Arab head of state attended the official summit.

Euro-Mediterranean Partnership to satisfy the desire of both Israel and the Palestinians to normalize their relations with the outside world. Finally, it can be concluded that while the Euro-Mediterranean Partnership has been useful in the past, it is now the European Neighbourhood Policy that can make a contribution to developing relations with the parties to the Middle East Peace Process.

Conclusion

Since the beginning of development of the Common Foreign and Security Policy (CFSP) at Maastricht, which entered into force in 1993, and strengthening of that policy in the Treaty of Amsterdam in 1997 and Treaty of Lisbon in 2009, including the nomination of a High Representative in the person of Javier Solana, the EU has supported or participated in all international efforts to resolve the important issues between Israelis and Palestinians.

However, the early stages of the peace negotiations have been characterised by the EU's lack of political resources and instruments, the absence of a collective political will and accordingly an insufficient degree of coordination among the EU member states. In addition, the EU has not been perceived as being an influential actor by any of the parties involved. However, in parallel with the internal institutionalisation, in particular the introduction of foreign policy instruments, EU actorness has slowly taken shape over the decades and finally resulted in the formal recognition as an equal negotiation partner with the inclusion in the Middle East Quartet in 2002.

Europe has showed greater willingness in recent years to play a larger part in the Middle East's most protracted conflict, that of Israel and Palestine. But willingness doesn't necessarily indicate readiness. Has the EU affirmed itself as an effective multilateral forum and has the EU contributed to the mediation of security in the Middle East? It can be concluded that the European Union has invested great efforts to resolve the conflict in the

Middle East. But, the Middle East conflict is perhaps the best example of disparity between the found costs and results achieved in the peace process.

Since the agreement under the latest initiative (Annapolis process) has not been reached within the agreed time, the Quartet also has not affirmed itself as an effective mediation forum. The Quartet is not without value. To play a useful role, it should be enlarged and reshaped as a forum to establish a renewed international consensus on the Arab-Israeli conflict.

With the traditional goal of the existence of two democratic, peaceful states, existing side by side within secure and recognized borders, the EU should be more decisive in opposing the division of Palestine, Israel's collective punishment of the Gaza population, but it should also globally condemn terrorist attacks against Israeli civilians. On the other hand, despite the emotional desire to return to great power status and compete with the U.S., it is important that the EU avoids succumbing to this temptation in the Middle East. Competition between Washington and Brussels leads to a situation in which Europe is used to "balance" and block the American role.

Based on the analysis above we can therefore conclude that although the EU peace initiatives have not made substantial progress towards its efforts to find concrete solutions for resolving conflicts and achieving sustainable peace, the EU still plays a major role in the future development of the turbulent region of the Middle East.

Only an objective and impartial mediation in which the EU has an important role and the determined use of the instruments at its disposal may be the key to the success of the peace process in the future

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Book Reviews

Understanding Media Policies: A European Perspective.[1] Evangelia Psychogiopoulou (ed.)

Thirty four authors have contributed, either jointly or individually, the texts to this volume on media policies in 14 countries which was researched within the FP7 project MEDIADEM.[2] The aim has been to explore the configuration of state media policies that target or constrain the development of free and independent media in 12 EU member states (Belgium, Bulgaria, Denmark, Estonia, Finland, Germany, Greece, Italy, Romania, Slovakia, Spain and the UK) and two candidate countries (Croatia and Turkey). Evangelia Psychogiopoulou from the **Hellenic Foundation for European and Foreign Policy ELIAMEP** coordinated the research and edited the book.

The introduction written by her and Dia Anagnostou (**Recasting the Contours of Media Policy in a Political Context: An Introduction**) points out that the book examines national media policies and seeks to redefine their nature and scope through the study of both traditional and new media. The country case studies that follow represent an attempt to offer responses to questions such as: "What are the regulatory practices, policy tools and institutional features of media policies in the countries studied?" "What have been the policy principles and values that have shaped these polices?" "How are these policies reconfigured now under the ongoing pressures for deregulation and impacts of technological evolution, European integration and global economy?" (2)

The present analysis of 14 media policies shows that the contemporary media systems only partly reflect basic characteristics of the democratic corporatist, polarised pluralist and liberal media models developed in the Hallin and Mancini media systems typology (**Comparing Media Systems: Three Models of Media and Politics,** 2004). The diversification of media systems and models has increased due to new technologies,

market liberalisation and the issuing of changes in media production and consumption, as well as due to political developments and systemic restructuring of some European countries. In this respect media policy making has become "an increasingly complex and multi-layered process", while the regulatory rules are being modified under the "blurring of boundaries between distinct policy sectors" (11). The diverse country experiences testify to the fact that the same rules may be observed in different ways and that media policies are primarily constituted at the national levels, while the European regulatory efforts contribute to interlinking and eventually standardising some of these levels. The national variations of the researched media systems are visible in policy approaches, institutional practices, regulatory instruments and media practices, as well as in distinct institutional settings. Being ever more influenced by European integration processes and global technology standards they are relatively comparable. Each country chapter follows a similar structure which allows for the re-alignment of research results and pointing out of differences and similarities between researched media systems and policies.

The Belgian case reflects an institutional complexity which results from differences in language, culture and economy between the Flemish and French communities and their reflection on media policy and regulation. On the other hand, the integrality of Danish media policy seems to be built on "a comprehensive media policy system, designed to promote media pluralism and diversity" (17). While Belgian and Danish media policies strongly focus on issues such as pluralism, diversity and the respective roles of state and society, the Finnish case demonstrates the centrality of freedom of expression and media freedom in mediatisation processes and media policy conceptualisation.

Bulgarian, Croatian, Estonian, Romanian and Slovakian cases display a range of different media practices in post-communist countries. Media restructuring and development in these countries is under strong global and European influences particularly as regards technological change, liberalisation and privatisation of media and different interpretations of their roles in democratisation processes. While in Bulgaria the new role of media appears to be comparable to the role of political parties, thus reflecting strong political and state influences on media, in Croatia

the media seem to avoid such a brutal political usage and are more submitted to market and economic influences of transnational media corporations seeking to standardise and interlink media markets in the Southeast European region. The inconsistent patterns of the post-socialist transitions are reflected in particular national media practices and may be illustrated by the Estonian case where, due to the small market, media policy needs to be "more interventionist or active, representing the public need for balanced and trustful information" (97). The Estonian media policy lacks analysis and balancing of value dilemmas (98), which may also be a problem in all transitional states. Analysis of the Romanian media policy demonstrates how the media previously taken over by the state have now been taken over by private interests which undermine government intervention and block market liberalisation. The media regulations are therefore formal and inefficient. The dominant cultural model, followed by both journalists and local politicians, constrains internal democratic changes. The result is poor media quality (which is often state subsidised) and low public participation in public communication processes (181). Media policy making in Slovakia has not paid proper attention to the restructuration of public services which seem to lack "a more competent management" (195). The private media have been established in a rather chaotic market framework functioning in collision with "historic memories" and business pressures.

Media policy making in the post-communist countries shows that they may have similar experiences, problems and even aspirations, but that their local responses are very different. Moreover, the transitional media systems, media models and media policies have not been stabilised and consistent enough to be clearly labelled and eventually compared to Hallin and Mancini's media models.

In the converged media environment of Germany a variety of media operators in 14 German states experience difficulties in balancing different interests and regulations. Media policy has become "… subject to an on-going process of re-configuration" (130). The "… coexistence of public service and private broadcasting has been at the root of many disputes between the operators and the respective media makers" (129), which increases the role of courts in media policy making. "What might be a viable model of market co-existence for public service and

private broadcasting online offers?" is a nationally relevant question that surpasses the German borders to become a key European media issue.

Greece, Italy and Spain reflect the situation in which the EU law and human rights norms have substantially shaped domestic regulatory decisions, but have not succeeded in countering the atypical relationship "… between the state and private media interests" (147). The challenges of media deregulation, market liberalisation, new technologies and new media are often answered by **ad hoc** and short-term government interventions. In the Italian case a fine-tuning of media policy as a response to technological developments is stressed. In Spain post-dictatorship transitions have not (yet) produced "a clear media policy" (18). The present analyses confirm that a number of media policy issues remain unresolved in these countries that best fit Hallin and Mancini's polarised pluralist model.

The UK media seem to be under pressure for further deregulation in the commercial broadcasting sector, which weakens the position of BBC and reduces the reporting responsibilities of the independent regulator Ofcom (244). At the same time the media system experiences re-regulatory pressures that are "likely to lead to a strengthening of a regulatory regime for the press and review of the existing media ownership rules" (244). The UK media environment is indirectly influenced by political and governmental power. However, the fact that the media market is extremely diversified enables the incorporation of different regulatory approaches. Innovative models are being identified in the media market while the watchdog role of media is supported by freedom of information legislation.

In the case of Turkey, an implicit rather than explicit media policy seems to be constituted by the Turkish state. The mainstream media hardly challenge any of the state interests, but the society ever more demands the access to true and impartial information, which is endorsed by an increasing usage of the internet and the emergence of social media.

The conclusion by Katharine Sarikakis discusses the roles of markets and European politics in the governance of media transformations. The author concludes that media policies have so far failed to deal with a number of "significant issues" (such as: democratisation of media structures, media concentration and increased privatisation, digitalisation across Europe,

etc.) which would contribute to "a sustained participation of citizens in media policy" (255).

Further development of media policies and their coordination at the European level are certainly needed. However, as the present analyses demonstrate, media policy making is a multilayered and ever more complex process. It reflects state and society capabilities and efforts to create new communication environments. In this respect **Understanding Media Policies** offers a wealth of information on such efforts which also show how difficult and challenging it is to constitute media systems, models and policies in Europe.

Nada Švob-Đokić

The European Security and Defense Policy: Policy formulation in triangular relations between Germany, France and the United Kingdom,[1] Andreas Marchetti

The author is a senior fellow at the Centre for European Integration Studies (CEI) at the University of Bonn. The book, representing his doctoral thesis, provides within eight chapters a highly detailed and systematic analysis of the genesis and potential development of the European Security and Defense Policy (hereinafter: ESDP[2]) in the context of interdependent relations between Germany, France and United Kingdom. These three European states figure as key political actors in this process, contributing significantly to its dynamics through their joint initiatives. The main purpose of the book, whose scope is limited to the period from 1998 till 2007, was to explore and identify the specificities of three selected national policies through a prism of motives, modalities and, consequently, impacts which they have on the ESDP.

In the first chapter the author introduces the subject by providing a systematic overview of intergovernmentalism, neofunctionalism and federalism as the key theories applicable in the research of European integration and addresses the current stage of research in the field. He argues that both intergovernmentalism and neofuncionalism, enriched by elements of institutionalism and by constructivist approaches, could partly explain the very nature of the ESDP. Furthermore, he provides definitions of key notions – the Common Foreign and Defense Policy (CFDP) and the European Security and Defense Policy (ESDP) and concludes the chapter by explaining the process of scientific research and methodology used in the book.

The second chapter represents a broad overview of the (pre)history of the ESDP after World War II (to name but a few themes: creation of the European defense community, the Fouchet Plan, European political cooperation

and the European single act) and various other stages which paved the way for its creation in the post-Cold war period. The author elaborates on the European Union Treaty and the Maastricht (1992) and Amsterdam (1998) treaties, and he consequently observes that it was only through the British-French agreement during the summit in Saint-Malo in late 1998 that the Europan defense policy was properly included into the framework of the European Union. Germany and France appeared as the unwinding promoters of European security and defense integration; however, there are some basic discrepancies to observe: while France favored the emancipation of Europe from the United States in the field of security and defense policy, Germany has been committed to strengthening both its European and transatlantic dimension. This implied at least a "silent alliance" between Germany and the UK, which was consistently in contrast to European competitiveness in relation to transatlantic assurances, and initially hampered the inclusion of a defense policy into the framework of the European Union. At the same time the United Kingdom and France have been jointly opposing any communitarisation of European security and defense policy whatsoever. Hence, the "natural" foreign policy coalition of three selected states could not have been developed.

In the third chapter the author explores the motives which shaped the actions of Germany, France and the United Kingdom towards the ESDP. By distinguishing the internal factors (domestic policies) from the external ones (foreign policies, security risks, strategic ties within the European Union) and from the positions of institutional stakeholders on the European level (the European Parliament, the European Commission and the Secretary General of the European Council), the author explores to what extent all these parameters influenced the actions of the selected countries. In respect of Germany, he identifies the gap between its declared commitment to further boost developments within the security and defense policies and its own ability to justify such policies at the national level. He furthermore points out that France continues to act in favor of empowering European defense without strengthening its institutions, whereas the UK supports the ESDP primarily as a necessary component of transatlantic security architecture.

Within the forth chapter, dealing with the modalities for creation and further development of the ESDP, Marchetti firstly reviews developments from the

summit in Cologne (1999), Helsinki and Nizza (2000) and consequently touches upon developments which led to adoption of the European security strategy in 2003, the Draft Constitutional Treaty and Lisbon Treaty in 2009. Arguing that the position of Germany in relation to France and the United Kingdom is not only variable, but also weaker, as Germany fully participates only in the civilian part of the ESDP, the author does not observe the role of three states as a functioning leadership triangle, but rather as a loose constellation of three with a Franco-British base and a supplementary contribution by Germany.

The fifth chapter deals with the effects for the ESDP. As the author distinguishes the immediate from indirect effects and impacts on the European Union's operational capacity and consequently explores developments of a European strategic culture in the field, he attempts to draw conclusion as to how the national roles match the proclaimed motivations. He argues that the national policies within the ESDP have been strongly influenced by the underlying motives of states. Germany participates in European defense selectively, avoiding the most dangerous operations. France has been especially engaged in military operations that have been conducted without the involvement of NATO, whereas the UK hesitates to play a leading role in military operations carried out without NATO's resources and capabilities.

The results of the author's research are presented within the sixth chapter of the book, which contains a substantial analysis that points out that Germany perceives the ESDP as a tool for further deepening of European integration and for the consolidation of German defense policy through multilateralism. On the other hand, France strives to achieve ever-increasing capabilities within the ESDP due to its own political ambitions, whereas the UK contributes to the ESDP mainly with a view of strengthening the transatlantic security architecture. "The conflict of objectives" between these three states, which is unlikely to be solved, has implications on their mutual relations and their co-operation within the ESDP. To that end, regardless of its active contribution to developments of the ESDP, Germany considers itself rather deferred from its emerging military dimension as it does not correspond to German strategic culture. French security ambitions to create a more capable and independent Europe are confronted with the unwillingness of France

to limit its own autonomy in the field. Likewise, the author points out that the United Kingdom supports strengthening the ESDP even though it possesses – according to British perception – a potential to endanger the transatlantic security architecture. Consequently, Marchetti establishes the comparative scheme in respect of Germany, France and the United Kingdom, that indicates their match of interests, their willingness to compromise, the resources they have available for action and their ability to take control of leadership in European security and defense policy. Within the triangle Germany has been identified as the most flexible actor in the ESDP, however – in terms of active management - it is considered as an indispensible "junior partner" of France and the UK.

The last two chapters provide an overview of the policy and military missions and operations of the European Union from 2003 to 2007, following the exhaustive list of reference sources.

In sum, the book represents a valuable contribution to European security discourse for several reasons. Regardless of Marchetti's hermetic writing style, which is distinctively recognizable in extensive scientific papers, the research which was carried out provides the reader with a thorough insight into the basic features of the development of the ESDP. As a reliable source of information the book can be instrumental in obtaining a comprehensive insight into the very nature of this emerging European policy.

Moreover, the author's holistic approach applied in the book takes into consideration the relevant theories and schools of European Union studies and international relations, which proved applicable on the ESDP given its specific intergovernmental nature. It is, therefore, primarily recommended to students, scholars, experts and researchers in the field of (European) security studies.

Lada Glavaš Kovačić

Prijepori u teorijama međunarodnih odnosa (Controversies in Theories of International Relations),[1] Petar Popović

As the title suggests, Popović's first book is an analysis of three major traditions in the theories of international relations: realism, liberalism and rationalism. Furthermore, the book is a short intellectual history of the West, with a strong emphasis on the English-speaking world. Roughly two hundred pages are divided into seven chapters, with six of them being largely theoretical, while the seventh and final chapter represents a concrete application of discussed theories on the "sub-global society" of Southeastern Europe.

The first chapter "On the theory of international relations" serves to define the dominant theories of IR, including the radical or Marxist theory which is only rarely mentioned later in the book. It also defines the main subject of research, namely the relationship between states. In this chapter the author offers an original model of the phases of "international order" throughout history: from the archaic community, through the Greek *polis*, the *Pax Romana*, the *Pax ecclesiae*, the Westphalian system, to the Globalization of today. It also introduces us to the basics of the famous debate between the proponents of realism and liberalism.

Chapter Two, "Concepts of international order", deepens the analysis of the realist and liberal theoretical traditions while concentrating on the Hobbesian concept of *international anarchy* and the Kantian concept of *universal moral order*. It also adds a third concept, *international society*, which is based on the work of 17th century Dutch scholar Hugo Grotius. Since it is hard to conceive the three traditions without a deeper understanding of the terms particularism and universalism, the author embarks on a rather perplexing digression towards a philosophical "theory of everything" (TOE), covering a timespan from Heraclitus of Ephesus to Bertrand Russell.

In Chapter Three - "Towards a contemporary liberal theory of international relations" - Popović discusses the appearance of liberal ideas in the Age of Enlightenment. Special attention is given to the Kantian tradition of *friendship* (as opposed to *hostility* and *rivalry*) between states, which is based on two fundamental rules of international order: 1. Dissent will be solved without violence or the threat of violence, and 2. Friendly states will fight together if one of them is in peril. The rules of nonviolence and mutual help are founded on the republican constitution, international law and commercial interdependence. It is underlined that the first liberal tendencies were advocated by individual intellectuals and not by states and their leaders.

Chapter Four, "First attempts of establishing a liberal order in the year 1919," deals with the League of Nations as a mechanism of collective security. The author asserts that although the League had originally been envisaged as a guaranty for the liberal order based on Kantian ideals of peace and cooperation, in political reality it was much closer to the *rivalry* of John Locke. This meant that World War I was not "the war to end all wars" and that the League of Nations deteriorated into a *concert of powers* as it had been established by the earlier Congress of Vienna. The League turned out to be a complete failure, resulting in an autocratic wave across Europe and a new world war, which was even more devastating than the first.

In the fifth chapter "Realist attempt to monopolize the science of international relations" Popović writes about the dominance of the realist tradition in the context of the Cold War. Realism in the second half of the 20th century can be understood as a pessimistic and cynical reaction to liberal idealism and its hope that wars were a thing of the past. Instead, it focused on a pessimistic interpretation of human nature, defined by violence and the quest for power, as well as on a purely mechanistic balance of power, or rather "balance of fear," having in mind the threat of a nuclear "mutual assured destruction" (MAD). Besides a complete abandonment of normativism in favor of a pure empiricism, the realists attempted to establish their theory as the sole theoretical framework for the explanation of the behavior of states in the international arena.

Chapter Six, "Towards a synthesis of the liberal-realist debate," is dedicated to the English school of IR which puts a new emphasis on Grotian rationalism.

This tradition points out that there exists an international society despite the condition of anarchy between states and that international politics are shaped not only by material interests but also by ideas. Hence, the absence of a central authority on a worldwide level needs to be remedied by a legal order founded on the rights and duties of all states making part of that society. It seems that the English School would be better interpreted as a "golden mean" or "middle way" between the extremes of realism and liberalism, keeping in mind that the term "synthesis" - in a strict sense - presupposes a completely new concept and not a reconciliation of two paradigms. The author indicates that controversies within theories of IR are by no means settled, mentioning the latest dichotomy within the English School between pluralists - who are less inclined to support humanitarian interventions such as the one in Kosovo - and solidarists - who argue that the international society has to do much more in protecting human rights, even if it means infringing on the sovereignty of states.

The seventh and final chapter, "The sub-global society of Southeastern Europe," applies the theories discussed so far on the so-called "Western Balkans," an artificial region conceived by Brussels and encompassing the former Yugoslavia minus Slovenia and plus Albania. Emulating Barry Buzan, one of the leading theorists of the English School, Popović defines this part of Europe as a specific sub-global society which is striving to become part of a larger, more peaceful and more prosperous sub-global society, namely the European Union. However, there is a significant problem concerning the integration of ex-Yugoslavia into the EU. While the EU is a sub-global society organized according to Kantian ideals, the republics of former Yugoslavia only recently started moving from a Hobbesian *homo homini lupus est* world of mutual distrust and recurring violence towards a sub-global society organized along the Grotian principle of cooperation based on common rules and institutions. This is particularly visible in the continuous strengthening of cooperation between ex-Yugoslav states on issues such as corruption and organized crime, as well as in the handling of war crimes from the 1990s. The author expresses concern over the discrepancy between the EU and the "Western Balkans" and expresses his hope that the post-Yugoslav space will move more resolutely towards the liberal model. Although Popović doesn't use the term "yugosphere" (coined by another proponent of the English School, Tim Judah) it is clear that this is what he has in mind. However, this is a purely theoretical

consideration and should not be misunderstood as an advocacy of the notorious predilection that Croatia should postpone its EU accession until all ex-Yugoslav republics are ready to take that step.

All in all, Popović's first book is an ambitious project, undertaken for the first time in Croatian political science, to move the IR theory beyond the level of description (*what*, *when*, *where*, and *how*) and to include the level of explanation (*why*). It is not only a masterful analysis of the three major traditions in the IR theory but also a fine application of the theoretical framework on the specific example of Southeastern Europe. The downside of the book is the fact that the reader needs a considerable amount of previous knowledge in order to grasp the philosophical intricacies, as well as the reoccurring feeling that one is caught in a theoretical tsunami (e.g. the author uses a myriad of names for terms such as "liberalism," making it hard to follow the narrative). The impression that the book was written in one breath doesn't necessarily have to appear to every reader, and if it does, it should be attributed to the ardor of a young researcher and therefore forgiven.

Janko Bekić

Towards Open Regionalism in South East Europe[1] Paul Stubbs and Christophe Solioz (eds.)

This book is written by a group of scientists and experts that analyze the possibilities for and problems in new emergent forms of regional cooperation in South East Europe. They view South East Europe through the lens of "new regionalism," covering diverse themes from economic relations to organized crime, border practices, cultural production and civil society.

Christophe Solioz and Paul Stubbs situate South East Europe in the context of open regionalism that is described through variable geometries of multi-scalar networks and flows which produce and reproduce social constructions of place. Questioning geographical notions of space, the authors address the tensions of nation-state-region-building practices in the context of multiple histories of antagonism and co-operation. They address theoretical and conceptual approaches to new regionalism and region-making, the implications of moving from nation-building to region-building in South East Europe and the complexities of so-called "regional ownership" as a response to the imposed agendas of those outside.

In the chapter on (post)Yugoslav anti-war activism Bojan Bilić shows us that (post)Yugoslav anti-war initiatives did not appear immediately prior to the armed conflicts in a state of social and political vacuum, rather that these undertakings, whose proponents invariably appreciated the cultural and linguistic affinities that characterize the Yugoslav space, appropriated the already existing activist networks developed throughout the second half of the 20th century.

Dimitar Bechev focuses on the dynamics of and obstacles to regional co-operation in South East Europe in an analysis of three crucially important sectors that have been the centre of the regional cooperation agenda since the mid-1990s: trade, energy and justice. Progress made in key functional sectors portrays cooperation in South East Europe as a by-

product of the region's integration into the EU. It is not coincidental that the most progress was made in terms of institutionalization and in the areas where the Union has a strong political mandate and an extensive normative framework, such as trade policy and electricity markets. By contrast, in domains where member states retain power South East European cooperation has proceeded at a slower pace.

Claudia Rose focuses both on theoretical and empirical dimensions of the problems and possibilities of regional economic integration between the emerging market economies of South East Europe, and makes a clear distinction between macro-level trade and micro-level enterprises.

Nada Švob-Đokić addresses cultural collaborations in South East Europe in terms of challenging global cultural flows and local identifications in a variety of creative programs, projects and schemes. She demonstrates through interlinked case studies the importance of networks in the context of the rise of social media and computer-mediated communication and highlights that the sustainability of cultural communication and cooperation in the SEE region has radically influenced the restructuring of exiting cultural space. Networking has been tightly intertwined with transnational processes and the overall social and economic restructuring of the region.

Eric Gordy addresses the clash between soft borders, multiple identities and traditional mixing which constitute everyday life in borderlands and the hard, exclusivist and ethnicised conceptions and practices of dominant political elites through two case studies in Bosnia and Herzegovina and in Kosovo.

Francesco Strazzari and Fabrizio Coticchia demonstrate the ways in which both organized crime and the fight against it have been crucial in shaping the region, particularly in the last ten years in which the externalisation of European security concerns had to be confronted with the realities of the consolidation of organised criminal groups within mainstream economic and political processes in the region.

Giorgio Andrian focuses on a new form of transboundary cooperation in South East Europe which is grounded in the eco-regional approach.

Dinaric Arc Initiative is a transboundary initiative within that framework. Dinaric Arc Initiative created a unique platform of cooperation both in terms of inter-institutional architecture that has been developed among its members, ranging from small NGOs to large UN agencies, and in terms of the territorial dimension of its joint actions, focussed on specific sites of common interest. The evolution of trust, over time, between partners on the ground, appeared in stark contrast to mandate-driven, bureaucratic imperatives of respective head offices. The mix of spontaneity and reflexivity, crucial to the habitus of networked cooperation suggested that "small n" schemes can achieve real change.

Ana Dević explores the evaluations of the Yugoslav crises of socialism and state disintegration and the ensuing nationalist violence and post-war transitions through the cinema of Yugoslavia and its successor states. She shows us the complex relation of film production to hegemonic and counter-hegemonic narratives. Her argument traces the practices of counter-hegemonic filmmakers in the context of dominant structures of funding and political patronage.

This book is a great example of a multidisciplinary approach. Deliberately blurring the borders between historical and contemporary analysis, between political science, economics and sociology, the authors address the meanings, potentials and pitfalls of diverse forms of regional practices and discourses and encourage others to build on their work addressing the tensions and possibilities in the spaces between global, regional, national and local processes, and between dominant politics and every-day realities.

Marina Funduk

Democracy Promotion and Conflict-Based Reconstruction: The United States and Democratic Consolidation in Bosnia, Afghanistan and Iraq[1] Matthew Alan Hill

The book *"Democracy Promotion and Conflict-Based Reconstruction: The United States and Democratic Consolidation in Bosnia, Afghanistan and Iraq"* represents Matthew Alan Hill's revised doctoral thesis. Matthew Alan Hill is currently a postdoctoral research fellow in US politics and history at the Institute for the Study of the Americas (School of Advanced Study) at the University of London.

In his first book Hill analyzes a crucial aspect of the US foreign policy – democracy promotion. He points out that a mission to promote democracy, freedom and peace is strongly imprinted in the American political identity and is an important and official part of its foreign policy, although the US foreign policy has not been successful in democracy promotion due to insufficient support for effective consolidation of liberal democracy in post-conflict countries.

In the opening chapter (Chapter Two, following the Introduction) the author explains his research framework which is built around three contexts. The first context is focused on the so called "American Mission," i.e. the American role in history and in international relations. This role stems from the Protestant religious tradition, liberalism and the interaction of internationalism and interventionism in foreign policy, which are connected to the idealist and realist schools of international relations. The second context deals with two theories of democratization – the structuralist theory which emphasizes collective actors (social classes) and the transition theory which focuses on political elites (recognizing the need for democratization of authoritarian regimes). The third context introduces the democratic peace theory, which has been put to practice by the US President Woodrow Wilson.

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Chapter Three examines the motives for democracy promotion as part of the US foreign policy. It analyzes democracy promotion during the Clinton and Bush administrations and views them in the context of changes in international relations after the end of the Cold War. Hill points out that in the last two decades American idealism didn´t have ideological counterparts. As a result of that a new US foreign policy has emerged and combined security, economic and military interests (realism) with democratic and liberal values (idealism). But when put into practice, such a combination does not achieve both of its goals (national interests and national values) equally successfully.

In the next chapter, the author reviews US democracy promotion, analyzing the activities of the United States Agency for International Development (USAID) in Bosnia and Afghanistan. Hill sees the USAID as the main tool for post-conflict peace building. In this chapter he undertakes a detailed parallel comparison of the Bosnian and the Afghan case. The author provides three basic criteria which must be met by a given USAID program in order to determine if it is based on a transition theory. These criteria include the willingness of political elites in a country in transition to hold free and fair elections, initiation of programs which help establish a democratic civil society and the promotion of democracy across diverse countries which implies the acceptance of the notion that democracy can be developed at any point of time of a state's development, disregarding specific historical conditions. After giving a brief overview of the historic development of the USAID, this chapter examines the given criteria for Bosnia and Afghanistan. The first (development of democratic institutions and holding of free elections) and the second criterion (support for development of democratic culture) were clearly met by USAID programs in both countries.

In order to examine the adherence to the third criterion, Hill analyzes the structural differences seen in the two cases, showing how (despite dissimilar levels of modernity and statehood) the USAID made an attempt to promote democracy with similar (even identical) tools in both countries. That is yet another proof that USAID-supported programs were clearly rooted in the transition theory. Similar approaches, with very different outcomes, are shown by a parallel analysis of sub-programs of democracy promotion in Bosnia (more positive outcomes) and Afghanistan (less

positive outcomes). These programs include development of the media, elections and electoral administrative development, political pluralism, civil society, judiciary and local government.

The next, fifth, chapter suggests that US democracy promotion does not lead to consolidated liberal democracy, but rather to electoral, formal democracy. In this chapter Hill examines consolidated democracy in Bosnia after the Clinton administration and Afghanistan after the Bush administration. The author sees the USAID's approach, based on the transition theory, as too narrow and too focused on formal procedures, rather than on substantial development of democratic culture and democratic practice within political structures. The failures of consolidation of democracy in Bosnia and Afghanistan are measured with three indicators (holding of successive elections, unambiguous change of executive power, time required for consolidation). None of these indicators have been met in the two cases, so it can be said that those two countries are far from democratic consolidation (however, Bosnia is much better off than Afghanistan) and both experience serious institutional failures. Hill concludes his analysis in this chapter by showing how the United States have failed to develop a democratic culture in these two countries and that they can be viewed as hybrid regimes.

The idea of formal democracy as an outcome of US democracy promotion is developed in the sixth chapter and these poor results in democracy promotion are confronted with the objectives and values that the American Mission contains (as stipulated in the introduction). Hill raises the question whether realist interests and idealist values can be reconciled if democracy promotion achieves democratic peace, disregarding the fact that full democracy was not achieved and only hybrid, foreign-controlled regimes have been established in post-conflict areas. Yet, the establishment of inter-state peace did not result in intra-state peace. Thus the author points out that the United States have failed in achieving democratic peace and fulfilling the American Mission through programs of democracy promotion. Also, Hill shows that the US foreign policy is primarily driven by interests and not by values. Values can be promoted if they coincide with interests – but if that is not the case they will be neglected.

In Chapter Seven the author turns to the case of Iraq and tries to use the same indicators and criteria (as the ones used in the previous cases of Bosnia and Afghanistan) in order to determine whether the Iraqi case was also based on the transition theory and whether it achieved democratic consolidation. Hill shows similarities between the Iraqi case with those of Bosnia and Afghanistan and concludes that the USAID and other related organizations have for the greater part used a "one-size-fits-all" model which has caused many programs to fail; i.e. democracy promotion must be tailored after specific country requirements and circumstances. Thus, it also shows how Iraq has experienced institutional failures due to inadequate democracy promotion and lack of planning of post-invasion actions and methods.

In the final chapter, Hill examines the present situation of US democracy promotion. He points out once again the failures of USAID programs based on transition theory, especially in the Afghan case. The author shows that the Obama administration has managed to introduce a shift in democracy promotion by refocusing from democracy promotion towards development. This shows that US foreign policy makers have realized that social and economic development is the prerequisite for a long-term stable development, growth of democratic institutions and of democratic (political) culture. A question remains whether the United States has given up on democracy promotion as part of the American Mission or is this just a pragmatic, tactical change aimed at achieving long-term goals regarding democratization and enabling of peace.

This book is aimed towards students and scholars of International Relations, US Foreign Policy and Democratization Studies primarily, though other disciplines, such as Political Theory and Political History might also find it of interest. This book is a successful example of blending international relations and comparative politics, two sub-disciplines of political science which are not often combined.

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